

2 Government and Administration

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2.1 City Government; Elections

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2.1.1 CITY GOVERNMENT.

- (a) **Mayor-Council Government.** The City of Glendale is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 62 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Glendale operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.
- (b) **Division of Responsibilities.**
- (1) Legislative Branch. The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 - (2) Executive Branch. The Mayor shall be the chief executive officer. He shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he shall preside at the meetings of

the Common Council. He shall from time to time give the Council such information and recommend such measures as he may deem advantageous to the City.

- (3) Administrative Officer. The City Administrator shall be the chief administrative officer. He shall be responsible for directing and coordinating the administration of the City Government in accordance with policies established by the Common Council as set forth in this Code of Ordinances.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

2.1.2 OFFICIAL NEWSPAPER.

The official newspaper of the City of Glendale shall be the Glendale Herald.

State Law Reference: Sec. 985.06, Wis. Stats.

2.1.3 ALDERMANIC DISTRICTS.

The City of Glendale shall consist of six (6) Aldermanic Districts, the respective boundaries of which are described as follows:

- (a) **First Aldermanic District.** Commencing at City limits line at N. Lydell Avenue and W. Silver Spring Drive and running thence along the City limits line southerly, westerly and northerly to its intersection with the centerline of W. Silver Spring Drive at the west bank of the Milwaukee River; thence east along the centerline of W. Silver Spring Drive to its intersection with the centerline of the Milwaukee River; thence northerly along the centerline of the Milwaukee River to its intersection with the centerline of W. Bender Road; thence east along said centerline to its intersection with the east limits line of the City of Glendale; thence southerly to the place of commencement.
- (b) **Second Aldermanic District.** Commencing at the centerline of W. Silver Spring Drive and the centerline of the Milwaukee River and running thence northerly along the centerline of the Milwaukee River to its intersection with the centerline of W. Bender Road; thence east along the centerline of W. Bender Road to its intersection with the east limits line of the City of Glendale; thence northerly to its intersection with the centerline of the Chicago and Northwestern Railroad Company right-of-way as located in the Northwest 1/4 of the Northeast 1/4 of Section 29; thence westerly along the centerline of said right-of-way to its intersection with the centerline of North Sunny Point Road; thence northerly along the centerline of North Sunny Point Road to the Milwaukee River; thence northerly along the centerline of the Milwaukee River to its intersection with the north limits line of the City of Glendale; thence northerly along the limits line of the City to its intersection on the west bank of the Milwaukee River with the centerline of W. Edward Lane (Extended); thence west along the centerline of W.

- Edward Lane (Extended) to its intersection with the centerline of N. Green Bay Avenue; thence southerly along the centerline of N. Green Bay Avenue to its intersection with the south limits line of the City of Glendale at the south line of the Southeast 1/4 of Section 30; thence southerly and easterly along the City limits line to the place of commencement.
- (c) **Third Aldermanic District.** Commencing at the intersection of the south line of the Southeast 1/4 of Section 20, Township 8 North, Range 22 East and the centerline of the Chicago and Northwestern Railroad Company right-of-way, as located in the Southeast 1/4 of Section 20, and the City limits line; thence easterly, northerly, westerly and southerly along the City limits line to its intersection with the centerline of the Milwaukee River and North Sunny Point Road; thence southerly along the centerline of North Sunny Point Road to its intersection with the centerline of the Chicago and Northwestern Railroad Company right-of-way as located in the Northeast 1/4 of Section 30; thence easterly along the centerline of said right-of-way to the place of commencement.
- (d) **Fourth Aldermanic District.** Commencing at the intersection of the centerline of W. Good Hope Road and the west bank of the Milwaukee River, being a point in the north limits line of the City of Glendale on the North line of the Northeast 1/4 of Section 19, Township 8 North, Range 22 East; thence northerly, westerly and southerly along the limits line of the City of Glendale to its intersection with the centerline of N. Green Bay Avenue; thence southeasterly along the centerline of N. Green Bay Avenue to its intersection with the centerline of N. Range Line Road; thence south along the centerline of N. Range Line Road to its intersection with the centerline of N. Braeburn Lane; thence easterly and southerly along the centerline of N. Braeburn Lane to its intersection with the centerline of W. Rochelle Avenue; thence easterly and southerly along the centerline of W. Rochelle Avenue to its intersection with the centerline of W. Bernard Lane; thence easterly along the centerline of W. Bernard Lane to its intersection with the centerline of N. Green Bay Avenue; thence northwesterly along the centerline of W. Good Hope Road; thence east along the centerline of W. Good Hope Road to the place of commencement.
- (e) **Fifth Aldermanic District.** Commencing at the intersection of the centerline of W. Good Hope Road and the west bank of the Milwaukee River, being a point in the north limits line of the City of Glendale, and running thence west along the centerline of W. Good Hope Road to its intersection with the centerline of N. Green Bay Avenue; thence southeasterly along the centerline of N. Green Bay Avenue to its intersection with the centerline of W. Bernard Lane; thence westerly along the centerline of W. Bernard Lane to its intersection with W. Rochelle Avenue; thence northerly and westerly along the centerline of W. Rochelle Avenue to its intersection with the centerline of N. Braeburn Lane; thence northerly and westerly along the centerline of N. Braeburn Lane to its intersection with the centerline of N. Range Line Road; thence North along the centerline of N. Range Line Road to its intersection with the centerline of W. Good Hope Road; thence west along the centerline of W. Good Hope Road to its intersection with the centerline of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way; thence southeasterly along the centerline of said right-of-

way to its intersection with the centerline of W. Green Tree Road, being the south line of the Northeast 1/4 of Section 24, Township 8 North, Range 21 East; thence east along the centerline of W. Green Tree Road to its intersection with the centerline of N. Range Line Road; thence south along the centerline of N. Range Line Road, being the west line of the southwest 1/4 of Section 19, Township 8 North, Range 22 East, to its intersection with the centerline of W. Mill Road; thence east along the centerline of W. Mill Road; thence east along the centerline of W. Mill Road, being the South line of Section 19, Township 8 North, Range 22 East, to its intersection with the centerline of N. Green Bay Avenue; thence northerly along the centerline of N. Green Bay Avenue to its intersection with the centerline of W. Edward Lane; thence east along the centerline of W. Edward Lane to the intersection of the centerline of W. Edward Lane (Extended) and the west bank of the Milwaukee River, being a point in the north limits line of the City of Glendale; thence northerly along the limits line of the City of Glendale to the place of commencement.

- (f) **Sixth Aldermanic District.** Commencing at the intersection of the centerline of N. Green Bay Avenue and the North line of the Northeast 1/4 of Section 31, Township 8 North, Range 22 East, being a point in the west limits line of the City of Glendale; thence northerly along the centerline of N. Green Bay Avenue to its intersection with the centerline of W. Mill Road; thence west along the centerline of W. Mill Road to its intersection with the centerline of N. Range Line Road; thence north along the centerline of N. Range Line Road to its intersection with the centerline of W. Green Tree Road; thence west along the centerline of W. Green Tree Road to its intersection with the centerline of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way, being a point in the west limits line of the City of Glendale; thence southerly and easterly along the City of Glendale limits line to the place of commencement.

2.1.4 KENEHAN CIVIC CENTER DESIGNATED.

The site of the City of Glendale's Public Building Complex, located on the northwest corner of N. Milwaukee River Parkway and W. Civic Drive, on which there is presently situated the combination Municipal Building, Police Station, the Glendale Fire Station and the Town of Milwaukee Town Hall, is herewith permanently named and designated as the "Kenehan Civic Center."

2.1.5 MANNER OF SERVING OR GIVING OF NOTICE OR ORDER.

- (a) Wherever any provision of the Glendale Code of Ordinances requires a notice, order, document or other paper to be served, given or made, the same may be accomplished by one (1) of the following methods:
- (1) By service upon the person, firm or corporation in the manner provided by law for the service of a summons in a court of record;

- (2) By registered or certified mail, with return receipt requested. The envelope shall bear the return address of the City Clerk.
- (b) The foregoing shall not be deemed to be in lieu of or instead of:
 - (1) Posting where such may be required by any provision of the Glendale Code of Ordinances.
 - (2) The attaching to personal or real property of any notice, order, paper or document where the same may be required by any provision of the Glendale Code of Ordinances.
 - (3) Service where any such notice, order, paper or document is required to be served in any other manner by any provision of the Wisconsin Statutes.

2.1.6 APPOINTMENT OF ELECTION OFFICIALS.

There shall be a minimum of five (5) inspectors for each polling place at each election held under Chapters 5 to 12, Wis. Stats., and a minimum of seven (7) inspectors for each polling place for presidential elections. When voting machines are used, the number of inspectors may be reduced to five (5). Inspectors shall be appointed as provided in Sec. 7.30, Wis. Stats.

State Law Reference: Sec. 7.30, Wis. Stats.

2.1.7 ELECTIONS.

- (a) **Annual City Election.** The annual City election shall be held on the first Tuesday in April.
- (b) **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m.
- (c) **Polling Places.** The designated polling place for all Wards and Aldermanic Districts of the City of Glendale shall be at City Hall, or as designated by the Common Council.

2.1.8 NON-PARTISAN PRIMARY FOR CITY OFFICES.

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Section 8.11, Wis. Stats. Such candidate shall file with his nomination papers a declaration that he will qualify for the office to which he may be elected.

State Law Reference: Sec. 8.11, Wis. Stats.

2.2 Mayor; Common Council

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2.2.1 COMMON COUNCIL.

The Aldermen of the City of Glendale shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sec. 62.11, Wis. Stats.

2.2.2 ALDERMEN.

- (a) **Election, Term, Number.** The City shall have six (6) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The six (6) Aldermen shall constitute the Common Council. There shall be one (1) Alderman elected from each of the even-numbered aldermanic districts at the annual spring election in the even-numbered years. There shall be one (1) Alderman elected from each of the odd-numbered aldermanic districts in the odd-numbered years at the annual spring election. The regular term of office of

Aldermen shall be two (2) years and shall commence on the third Tuesday of April following their election.

- (b) **Appointment as Mayor.** An Alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Sec. 62.09, Wis. Stats.

2.2.3 MAYOR.

- (a) **Election.** The Mayor shall be elected for a term of three (3) years. The term of office shall commence on the third Tuesday of April succeeding his election.
- (b) **Duties.**
- (1) The Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** He shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to him by the City Clerk, and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, he shall file his objection with the City Clerk, who shall present it to the Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Sec. 62.09(8), Wis. Stats.

2.2.4 PRESIDENT OF THE COUNCIL.

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the Clerk-Treasurer. He shall, when so officiating, be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

State Law Reference: Sec. 62.09(8)(e), Wis. Stats.

2.2.5 **STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS.**

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor may, subject to confirmation of the Common Council, appoint from the Council standing committees, consisting entirely of Aldermen.
- (b) **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee
- (c) **Committee Appointments.**
 - (1) Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
 - (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
 - (3) The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (d) **Committee Reports.**
 - (1) All ordinances, resolutions, communications and other matters submitted to the Council shall be read by title and author and referred to the appropriate committee by the Mayor without motion unless objected to by a Council member. The Clerk shall read and record each such reference by title. Any Alderman may require the reading in full of any matter at any time it is before the Council.
 - (2) Each committee shall, at a subsequent Council meeting, submit a report on all matters referred to it unless a specific time frame is designated by vote of the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any City officer or employee to confer with it and supply information in connection with any matter pending before it. Minority reports may be submitted.

2.2.6 **GENERAL POWERS OF THE COMMON COUNCIL.**

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service,

and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

2.2.7 COOPERATION WITH OTHER MUNICIPALITIES

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities in a cooperative arrangement for executing any power or

duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Sec. 66.30, Wis. Stats.

2.2.8 INTERNAL POWERS OF THE COUNCIL.

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Sec. 62.11, Wis. Stats.

2.2.9 SALARIES

The Mayor and Aldermen who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Aldermen.

State Law Reference: Sec. 62.09(6), Wis. Stats.

2.2.10 MEETINGS OF THE COMMON COUNCIL

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council, subsequent to July 1, 2007, shall be held in the building known as the Kenehan Civic Center of the City of Glendale at 5909 North Milwaukee River Parkway at 7:00 p.m., unless otherwise determined, on the second and fourth Monday in each month. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Glendale City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

2.2.11 SPECIAL MEETINGS.

Special meetings may be called by the Mayor or by two (2) Aldermen upon written notice of the time and purpose thereof to each member of the Council delivered to him

personally or left at his usual place of abode at least six (6) hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the Clerk prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all Aldermen shall be a regular meeting for the transaction of any business that may come before such meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

2.2.12 OPEN MEETINGS.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public.

State Law Reference: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

2.2.13 QUORUM.

- (a) A majority of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in determining whether a quorum is present at a meeting but may cast his vote in the case of a tie. When the Mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

2.2.14 PRESIDING OFFICERS.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing an objection with the Clerk. He shall, when so officiating, be styled "Acting Mayor." In the absence of both the

Mayor and the President of the Council, the Clerk shall call the meeting to order and preside until the Council shall, by motion, select a president pro tem for that night.

- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Revised (1984), unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a clerk pro tem.

State Law Reference: Sec. 62.09(8), Wis. Stats.

2.2.15 ORDER OF BUSINESS.

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor no later than the Monday preceding the regular meeting. Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk, who shall be responsible for agenda preparation and distribution, not later than noon on the Friday preceding the regular meeting. Generally, the following order may be observed in the conduct of all meetings of the Council:
- (1) Call to Order by presiding officer.
 - (2) Roll call.
 - (3) Approval of minutes of the preceding meeting, if correct, and rectifying mistakes, if any exist.
 - (4) Communications, applications and petitions.
 - (5) Unfinished business from previous meeting.
 - (6) New business, including the introduction of ordinances and resolutions.
 - (7) Acceptance of monthly reports.
- (b) **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all aldermen and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council. The presiding officer may provide for citizen comments, at his discretion.
- (c) **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council shall adjourn.

2.2.16

INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c)
 - (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
 - (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk in written form a minimum of five (5) days prior to the meeting at which action is requested.
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Council, the Clerk or other City officer for reference to the Common Council shall be delivered by the Clerk or such other City officer to the Mayor and Aldermen as soon as convenient after receipt of the same and, in any event, prior to or at the opening of the next meeting of the Council following the receipt of the same. Every such petition or other writing, and every paper, communication or other proceeding which shall come before the Council for action may be referred by the Mayor or presiding officer, unless objected to by a member of the Council.
- (e) **Fiscal Impact and Strategic Planning Requirements.**
 - (1) All matters of business, resolutions, and ordinances to be considered by the Common Council, as a condition precedent to consideration if such impact in any way on the City's budget, tax rate, fiscal obligations, or costs, shall be accompanied by a statement of fiscal impact. Such statement shall be prepared by the administrator or his designee, and shall advise the Council of the specific fiscal or monetary impact or requirements attendant with the matter to be considered. A matter presented without the requisite fiscal impact statement shall be laid over, except that such a matter may be considered upon a determination of the Council by two-thirds (2/3) vote that there exist emergency or extraordinary exigent circumstances which require immediate action in the interests of the public health, welfare or safety.
 - (2) All matters of business, resolutions, or ordinances submitted to the Council for consideration shall be accompanied by a statement pertaining to strategic planning, and consistency with such goals and objectives, and mission statements as from time to time shall have been adopted by the Council. Such statements shall be prepared by the Administrator or his

designee. Approval or passage of any matter of business, resolution, or ordinance submitted as being in conflict with the City's goals and objectives, or mission statements, shall be passed or adopted only upon a legislative finding by the Council that such action is in the public interest and upon a two thirds (2/3) vote of the Council.

(f) Council Operational Procedures.

(1) Council Agenda Items.

- a. All items for placement on a Council agenda must be received by the City Administrator no later than 12:00 noon the Wednesday prior to the Council meeting date.
- b. A written explanation with background and supporting data must accompany all items for placement on the agenda.
- c. Only items which the City has jurisdiction over or which may affect the City can be placed on the agenda.
- d. The Mayor and Aldermen shall have authority to place matters on the agenda through submission for placement to the City Administrator. Staff member requests shall be referred to their respective department heads, and a request for placement of an item on the agenda shall proceed through the department head to the City Administrator. Citizen requests and concerns shall be referred to the Alderman of the Citizen's district, for consideration for disposition or consideration for placement on the agenda by the respective Alderman.

(2) Council Standing Committees.

- a. All items for committee consideration must be referred by the Common Council to the committee for consideration, and committees shall limit their consideration of matters, recommendations, and items to only such matters as properly before them on deferral or authority of the Common Council.
- b. The Legislative and Judiciary Committee shall review applications and appeals as authorized by the applicable state and local laws without specific referral to them by the Common Council.
- c. Since time is of the essence in many reviews and appeals, the Legislative and Judiciary Committee is not required to reduce recommendations to writing in advance if they have not been determined at the time of placement on the agenda.

(3) Council Agenda Items. For items placed on the Common Council agenda, written supporting data must be provided to reasonably apprise all interested parties of the matters under review or appeal.

(4) Citizen Committees.

- a. Committees have no authority to bind or commit the City to any course of action. Committees have no authority to expend any City funds without the prior approval of the Council. Adoption of a budget is not a license to spend.
- b. Alderman liaisons to committees are responsible to keep the Council and staff informed of all committee recommendations, and

to keep the committee members informed of Council actions, policies and directives.

- (5) Staff Assistance. All requests for routine staff assistance or response to citizen complaints may be directed to the appropriate department head. A request for staff assistance shall be deemed routine if it relates, in the Alderpersons judgment, to the ministerial functions of the department head's duties. Such requests shall not be deemed to abrogate the department head's discretion in prioritizing the work load and function of his/her department. All other requests for staff assistance or response to citizen complaints of a serious nature shall be routed through the City Administrator or his/her designee, who shall then report as soon as reasonably practical the resolution or disposition of the complaint to the Alderperson of the district.
- (6) Council Information. All committee, commission and board agendas and minutes which are public records shall be distributed to all Council members.
- (7) Proceedings. The agenda shall proceed as called by the Mayor, and subsequent to the Clerk announcing the agenda item discussion shall proceed by the Council and members of the public, under the authority of the Mayor as presiding chair, and followed by such dispositive motion as shall be appropriate within the authority of the Council.

2.2.17 PUBLICATION AND EFFECT OF ORDINANCES.

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

State Law Reference: Sec. 62.11(4), Wis. Stats.

2.2.18 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall be used with all questions, motions, or other matters when so required by local, state or federal law, or when the Mayor or an Alderman requests a vote by roll call. Otherwise, voting may be by voice vote.
- (b) When a vote is taken, the result shall be recorded in the official minutes.

- (c) Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by the current edition of Robert's Rules of Order, which is hereby incorporated by reference, unless modified by this Code of Ordinances;
- (1) No Alderman shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than an Alderman shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
 - (4) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
 - (5) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
 - (6) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes. A member of the Council may not change his vote on any question after the result has been announced.
 - (7) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

State Law Reference: Sec. 62.11, Wis. Stats.

2.2.19 RECONSIDERATION OF QUESTIONS.

It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

2.2.20 CALL FOR THE PREVIOUS QUESTION.

Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

2.2.21 AMENDMENT OF RULES.

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

2.2.22 SUSPENSION OF RULES.

Any of the provisions of Sections 2-2-17 through 2-2-21, inclusive, of this Code may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

2.3 Municipal Officers and Employees

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|--------|-----------------------------------|
| 2.3.1 | GENERAL PROVISIONS |
| 2.3.2 | CITY OFFICERS; TENURE; VACANCIES |
| 2.3.3 | CITY ADMINISTRATOR |
| 2.3.4 | CHIEF OF POLICE |
| 2.3.5 | FIRE CHIEF |
| 2.3.6 | MUNICIPAL JUDGE; MUNICIPAL COURT |
| 2.3.7 | CITY ATTORNEY |
| 2.3.8 | RULE-MAKING AUTHORITY |
| 2.3.9 | ELIGIBILITY FOR OFFICE |
| 2.3.10 | REMOVAL FROM OFFICE |
| 2.3.11 | CUSTODY OF OFFICIAL PROPERTY |
| 2.3.12 | OATH OF OFFICE; BONDS OF OFFICERS |

2.3.1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him by the Common Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in his official capacity proceeded against or obliged to proceed before any civil Court, Board, Committee or Commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council shall provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

2.3.2 CITY OFFICERS; TENURE; VACANCIES.

- (a) **Enumerated.** In addition to the Mayor and one (1) Alderman from each aldermanic district in the City, the City Attorney, and the Chief of Police, who shall be appointed by the Police Commission, the officers of the City shall be the:
- (1) City Administrator/Deputy City Treasurer.
 - (2) City Clerk.
 - (3) City Treasurer.
 - (4) City Assessor.
 - (5) City Comptroller.
 - (6) Personnel Assistant/Deputy Comptroller.
 - (7) Building Inspector/Zoning Administrator.
 - (8) Plumbing Inspector.
 - (9) Electrical Inspector/Property Maintenance Inspector.
 - (10) Director of Public Works/City Engineer.
 - (11) Superintendent of Public Works.
 - (12) Sanitarian.
 - (13) Weed Commissioner/City Forester.
- (b) **Tenure of Office.**
- (1) The tenure of office of full-time appointive City officials, as listed in Subsection (a) above, shall, after the expiration of the probationary period applicable to the particular position of such official, be indeterminate, subject to removal, however, for cause. Proceedings to remove for cause may be initiated by the Mayor or any member of the Common Council, by the filing of a complaint in writing with the City Clerk, specifying therein the acts, conduct or cause complained of and for which removal is sought. Thereafter, the proceedings shall be governed by the provisions of Section 13, entitled "Grievance Procedure," of the Resolution relating to the City's Personnel Plan adopted on the 3rd day of July, 1956, as amended and revised.
 - (2) Incumbents in the aforesaid full-time appointive offices shall hereafter have such indeterminate tenure. In the event of a vacancy in any such office, such office shall be filled by appointment by the Mayor, subject to confirmation of the Common Council, in a manner provided in Subsections (c) and (d) hereof.
- (c) **Vacancies.**
- (1) At such time that any City office listed in Subsection (a) above becomes vacant, the Common Council, or the City Administrator at the direction of the Common Council, shall take the necessary steps to advertise the vacant position. In selecting persons qualified to assume any of the aforesaid respective offices, consideration shall be given to basic qualifications, including background, both as to education and experience, as well as knowledge of the various subject matters involved, personal ability and qualifications, and general disposition towards the particular office.

- (d) **Salaries.** The salary of the incumbent of such respective office shall be such as shall be determined by resolution of the Common Council.

2.3.3 CITY ADMINISTRATOR.

- (a) **Creation and Purpose.** In order that the various officers, officials and employees and departments executing policy and administering the affairs of the City of Glendale may operate as efficiently as possible under a system of part-time Mayor and part-time Aldermen, and to better insure competent, expeditious, efficient and harmonious administration and action in respect to any activity common to one (1) or more of the City's officers, officials and departments, and in order that there may be a uniform application of policy, there is herewith created the office of City Administrator for the City of Glendale.

(b) **Powers and Duties.**

- (1) The City Administrator shall have administrative powers and responsibilities over the City Clerk and Treasurer and all other departments and department heads of the City except the City School System, the Fire Department and the Police Department. He shall, under the Glendale Water Board, have administrative powers and responsibilities over the water utility of the City. He shall be ineligible to be a member of the Police and Fire Commission.
- (2) He shall be, at all times, responsible to the Common Council and shall, in general, be responsible for effectuating all actions of the same which require administrative implementation or where the Common Council has directed him to act. In addition to the regular duties, the City Administrator shall have the following duties:
 - a. Coordinating the administrative activities of departments;
 - b. Effectuating all actions of the Common Council which require administrative action and report any problems or difficulties in connection therewith to the Common Council and Mayor;
 - c. Prepare in coordination with other Department heads the annual City budget for submission to the Common Council;
 - d. Act as personnel officer for the City, recommend salary and wage scales and working conditions for those officers, officials or employees not covered by collective bargaining agreements.
 - e. Periodically evaluate job classifications and, when necessary, formulate and propose new job classifications;
 - f. Review and report to the Mayor and Common Council any variations in the operation of the City budget;
 - g. Make such reports as the Common Council may, from time to time, require as to the current fiscal status of the City and the current fiscal status of budgeted items under the City budget;
 - h. Supervise the taking of departmental inventories;
 - i. Act as purchasing officer for the City and formulate and place into operation City-wide purchasing for such items that may be

- economical or advisable for the City to purchase on a City-wide basis;
- j. Maintain a current personnel file for all the departments, except for the Police Department, Fire Department and the City School System;
 - k. Submit to the Common Council, from time to time, recommendations or suggestions for improving the health, safety or welfare of the City;
 - l. Institute and operate a system whereby City Departments, as well as persons having business with the Common Council or any City Department, may properly and efficiently conduct such business;
 - m. Inquire into and settle, pursuant to existing City policy, or otherwise report to the Common Council, any dispute concerning the activities of any Department or office in connection with interdepartmental relations or with persons having business with the City;
 - n. Inform the Mayor or Common Council concerning any proposed change in service rendered City residents or City-located business which shall appreciably affect either the extent, quality or cost of such service;
 - o. Designate an appropriate Department or officer for the transaction of any business which is not of a routine nature;
 - p. File with the Common Council such reports at such time as the Common Council may require concerning the activities of this office so that the Common Council may be currently apprised of any actions of the City Administrator and the nature and reason for such actions taken;
 - q. Take charge of all City-owned buildings and grounds, except those under the jurisdiction of the Board of Education;
 - r. Represent the City in intergovernmental matters as directed by the Mayor and Common Council;
 - s. Participate in negotiations and settlements with unions and other collective bargaining units, and participate in grievance procedures as required by contracts with unions and other collective bargaining units;
 - t. Represent the City in intergovernmental liaison as directed by the Mayor and Common Council;
 - u. Act as Chairman of the Water Utility Board;
 - v. Attend all meetings of the Common Council, the Plan Commission and as may be required by the Mayor and Common Council, other citizen boards and commissions;
 - w. Such other administrative duties and powers not inconsistent with law as may be prescribed by the Common Council from time to time.

2.3.4 CHIEF OF POLICE.

The Chief of Police shall be appointed by the Police and Fire Commission pursuant to Sec. 62.13, Wis. Stats., and shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

2.3.5 FIRE CHIEF.

The Fire Chief shall be appointed by the Police and Fire Commission pursuant to Sec. 62.13, Wis. Stats., and shall hold office during good behavior, subject to suspension or removal by the Commission.

2.3.6 MUNICIPAL JUDGE; MUNICIPAL COURT.

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wisconsin Statutes, there is hereby established the Municipal Court for the City of Glendale, Wisconsin.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wisconsin Statutes, there is hereby created the office of Municipal Judge for the Municipal Court for the City of Glendale, Wisconsin.
- (c) **Election; Term.** The Municipal Judge shall be elected at large in the spring election, commencing with the April 1983 election, for a term of three (3) years, commencing on May 1 succeeding his/her election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement. The Municipal Judge shall, at all times that he/she shall hold office, be a resident of the City of Glendale and an attorney licensed to practice law in the State of Wisconsin.
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during a term of the Judge. Salaries may be paid annually or in equal installments as determined by the Common Council, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c) of the Wisconsin Statutes, as amended.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Milwaukee County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in the penal sum of One Thousand Dollars (\$1:000.00).
- (f) **Jurisdiction.** The Municipal Judge shall have such jurisdiction as provided by law and Chapter 755 of the Wisconsin Statutes and exclusive jurisdiction of violations of City Ordinances.
- (g) **Procedure in Municipal Court.**

- (1) The procedure in Municipal Court for the City of Glendale shall be as provided by this Chapter and State law, including, but not by way of limitation, Chapters 62, 66, 755 and 800 of the Wisconsin Statutes.
 - (2) The Municipal Court shall be open as determined by the Municipal Judge.
 - (3) The Municipal Judge shall keep his office and hold court in the City of Glendale Municipal Building.
 - (4) If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Common Council.
 - (5) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
 - (6) The procedures of the Municipal Court shall be in accord with the applicable Wisconsin Statutes and City Ordinances. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the City Attorney shall draft a bond schedule, which shall become effective upon approval by the Municipal Judge. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation. The Police Chief shall be furnished a copy of all bond schedules and amendments thereto.
- (h) **Forfeitures; Report.** All forfeitures received by the Municipal Judge shall be paid to the City Treasurer within thirty (30) days of receipt. At the same time the Municipal Judge shall report the title of the action, the offense for which the forfeiture was imposed and the amount of the forfeiture.
- (i) **Contempts.**
- (1) In the cases specified in Sec. 785.01(1), Wis. Stats., and no others, the municipal judge may punish for contempt.
 - (2) The provisions of Sec. 800.12, Wis. Stats., are herewith adopted by reference.
- (j) **Contempt; Penalty.** The Municipal Judge may impose a forfeiture for such contempt not to exceed Fifty Dollars (\$50.00). In default of the payment of forfeiture, the person found guilty of such contempt may be imprisoned in the House of Correction not to exceed one (1) day for every Twenty-five Dollars (\$25.00) of forfeiture imposed.
- (k) **Accused to be Heard.** No person shall be punished for such contempt until he has been given an opportunity to be heard in his defense and for that purpose the Municipal Judge may, if the offender is not present, issue his warrant to bring the offender before him.
- (l) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

State Law Reference: Chapters 755 and 800, Wis. Stats.

2.3.7 CITY ATTORNEY.

The City of Glendale elects, pursuant to the provisions of Sec. 62.09(3)(b)(2) of the Wisconsin Statutes, that the method of selection of the City Attorney shall be by appointment by the Mayor, subject to confirmation by vote of two-thirds (2/3) of the members-elect of the Common Council, under the system of selection set forth as follows:

- (a) All eligible and qualified applicants will be required to submit a full account of their respective training and experience with a suitable letter of application, together with a comprehensive resume, at least three (3) references [of which only one (1) may be from the same law firm, if applicable], and several writing samples(i.e., opinions, position statements, briefs, etc.).
- (b) A special review committee comprised of the Mayor, the City Administrator and two (2) Aldermen will screen the applications, check the references, conduct informal interviews and narrow the field to a selected number. Those applications so selected by the special review committee will be forwarded to the Common Council for further review.
- (c) The Mayor and the Common Council, together with the City Administrator, will review the applications forwarded to them by the special review committee, conduct interviews, seek additional information and narrow the selection field to two (2) candidates. The candidates' applications will be forwarded to the Mayor for his selection and formal appointment.
- (d) In the event a vacancy occurs in the position of City Attorney prior to the end of a term of office, the Mayor may temporarily appoint a qualified individual, subject to a confirmation by vote of two-thirds (2/3) of the members-elect of the Common Council, to fill the remaining portion of the unexpired term.
- (e) Reappointment of a City Attorney at the end of his term to a new term of office may be accomplished by the Mayor, subject to a confirmation by vote of two-thirds (2/3) of the members-elect of the Common Council. (Charter Ordinance.)

2.3.8 RULE-MAKING AUTHORITY.

- (a) **Authorization for Department Heads.** Heads of departments of the City may make rules, regulations or directives for the administration of their departments, but not for the conduct of the general public.
- (b) **Approval of Rules.**
 - (1) Any proposed departmental rule, regulation or directive shall be referred to the City Administrator for review. Within fifteen (15) days of formal presentation to the City Administrator, the City Administrator shall forward the proposed rule along with his recommendations to the Mayor for review.
 - (2) Any proposed departmental rule, regulation or directive other than those proposed by the Police or Fire Department shall be referred to the City Administrator for review. Within fifteen (15) days of formal presentation to the City Administrator, the City Administrator shall either forward the

proposed rule along with recommendations to the Mayor for review, or return the proposed rule to the department along with suggested revisions. Any rule, or any part thereof, returned by the City Administrator to the department head shall be deemed to be unacceptable and not in force.

- (c) **Time of Taking Effect.** All proposed rules, regulations or directives shall be effective thirty (30) calendar days after presentation to the City Administrator, unless returned by either the City Administrator or the Mayor, or the Common Council acts by resolution to nullify such rule. In emergency situations requiring immediate actions, rules may become effective immediately; but all rules so enacted shall be reported to the City Administrator, the Council, and the Mayor within twenty-four (24) hours, with the reasons for the necessity of immediate implementation. All emergency rules are temporary in nature and must be formally presented as required in Subsection (b) to become permanent rules.

2.3.9 ELIGIBILITY FOR OFFICE.

- (a) No person shall be elected by the people to a City office who is not, at the time of his election, a citizen of the United States and of this State, and an elector of the City, and in case of an Aldermanic office, of the Aldermanic district, and actually residing therein.
- (b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (c) No member of the Common Council shall, during the term for which he is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

State Law Reference: Sec. 62.09(2), Wis. Stats.

2.3.10 REMOVAL FROM OFFICE.

- (a) **Elected Officials.** Elected officials may be removed by the Common Council as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

2.3.11 CUSTODY OF OFFICIAL PROPERTY.

City officers must observe the standards of care imposed by Section 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Sec. 19.21, Wis. Stats.

2.3.12 OATH OF OFFICE; BONDS OF OFFICERS.

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The Treasurer, Clerk, Municipal Judge and such other statutory officers as the laws of Wisconsin or the Common Council may direct shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City Clerk and shall be recorded by him in a book kept by him for that purpose. Such bonds shall be paid for by the City.

2.4 Boards, Commissions and Committees

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| 2.4.1 | BOARD OF REVIEW |
| 2.4.2 | JOINT NORTH SHORE BOARD OF HEALTH |
| 2.4.3 | BOARD OF APPEALS |
| 2.4.4 | CITY PLAN COMMISSION |
| 2.4.5 | MUSIC IN THE GLEN COMMITTEE |
| 2.4.6 | ADVISORY COMMITTEE ON ESTHETICS AND CONSERVATION |
| 2.4.7 | FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE |
| 2.4.8 | MARKETING COMMITTEE |
| 2.4.9 | ARCHITECTURAL REVIEW BOARD |
| 2.4.10 | POLICE COMMISSION AND JOINT FIRE COMMISSION |
| 2.4.11 | GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE |
| 2.4.12 | RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS |
| 2.4.13 | BOARD OF PUBLIC WORKS ELIMINATED |
| 2.4.14 | GLENDALE DAYS COMMITTEE - A FOURTH OF JULY FESTIVAL |
| 2.4.15 | STORMWATER MANAGEMENT ADJUSTMENT BOARD |

2.4.1 BOARD OF REVIEW.

- (a) **Composition.** The Board of Review shall consist of at least six (6) members, one of whom shall be the City Clerk or Deputy City Clerk, and five (5) who shall be residents of the City of Glendale, and who shall be appointed by the Mayor subject to confirmation by the Common Council. The Mayor and Council shall consider in making such appointments the qualifications of the members, including backgrounds in law, real estate, appraisal practices, or any other occupation or profession which relates to the valuation of real property, the Board of Review members shall receive only such compensation as might from time-to-time be fixed by action of the Common Council. The Board of Review shall select its chairman each year by majority vote. The Clerk or Deputy Clerk shall act as secretary to the Board.
- (b) **Term.** The members of the Board of Review shall be appointed to hold office for a period of three (3) years, except that the Mayor may recommend appointment for a lesser term as to some members in order to stagger the term of those members first appointed under this ordinance.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.

- (e) **Hearing Procedure – Extensions.** The Board of Review shall grant the taxpayer a 60-day extension for a hearing related to the taxpayer’s objection, if the taxpayer submits with the objection a request to the Board for an extension and pays a fee of \$100. A request for an extension shall not stop the accrual of any interest due. The 60-day extension period under this paragraph may be further extended, if the taxpayer shows good cause. Each taxpayer who submits an objection, as well as the assessor, shall present to the Board of Review all evidence as specified in the manual under Section 73.03(2)(a), Wis. Stats., or such successor statutes as from time to time enacted, on which each relies to support their respective positions and any additional evidence that the taxpayer or the assessor believes is relevant to determining the correct assessment. If the taxpayer receives an extension under this paragraph, at least 10 days before the scheduled Board of Review hearing, the taxpayer and the assessor shall simultaneously exchange all reports, documents, and exhibits that the taxpayer and assessor will present at the hearing. At least 60 days prior to the first day on which the Board of Review hears objections, the City shall publish on its internet site the last day on which a taxpayer may submit an objection under this section. At least 15 days prior to the first day on which the Board of Review hears objections, the City shall include with any notices issued under Section 70.365, Wis. Stats., or any successor statute enacted thereafter, information to inform the taxpayer of the last day on which a taxpayer may submit an objection to an assessment.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

2.4.2 JOINT NORTH SHORE BOARD OF HEALTH.

- (a) **Creation.** There is hereby created a Joint North Shore Board of Health, on behalf of the North Shore Health Department, hereinafter referred to as the North Shore Health Department Board of Health under authority of Section 66.30, Wis. Stats.
- (b) **Composition.** The North Shore Board of Health shall consist of one (1) representative from Bayside, two (2) from Brown Deer, one (1) from Fox Point, two (2) from Glendale, and one (1) from River Hills. Appointments to the North Shore Board of Health shall be made by the Mayor or Village President of each participating community and shall serve as that community’s representative to the North Shore Health Department Board of Health, subject to confirmation by each municipality’s governing body. The Health Officer and Medical Advisor to the North Shore Health Department shall be staff representatives to the Board. Each person appointed to represent the City shall have demonstrated interest or competence in the field of public health or community health. Total appointments made to the North Shore Board of Health shall consist of no more than nine (9) members, and at least three (3) of these members shall be persons who are not elected officials or employees of the governing bodies. A good faith effort shall be made to appoint a registered nurse and physician.

- (c) **Term of Office.** Each community's representative to the North Shore Board of Health shall be appointed annually in conformance with the community's practice for appointing any board members.
- (d) **Selection of Officers.** The North Shore Board of Health shall annually elect a chair and clerk, at its first meeting each calendar year. The Director of the North Shore Health Department, or designee, shall record minutes for the North Shore Board of Health meetings.
- (e) **Meetings.** All meetings of the North Shore Health Department Board of Health shall be properly posted and notice given in accordance with Wisconsin Open Meetings Law. Meetings shall be held at least quarterly. The North Shore Board of Health shall meet more often, on an as-needed basis, at the call of the chair so long as the meeting is properly posted and notice given in accordance with the Wisconsin Open Meetings Law.
- (f) **Jurisdiction and Duties.** The North Shore Health Department Board of Health shall govern the North Shore Health Department and ensure the enforcement of State Public Health Statutes and Public Health Rules of the Department, subject to the "Agreement for Public Health Services, North Shore Health Department," and applicable ordinances of each participating municipality. Specifically, the North Shore Board of Health shall:
 - (1) Assist in the determining public health needs and advocate for the provision of reasonable and necessary public health services.
 - (2) Develop policy and provide leadership that fosters local involvement and commitment, that emphasizes public health needs and that advocates equitable distribution of public health resources and complementary private activities commensurate with public health needs.
 - (3) Ensure conformance with the Agreement for Public Health Services – North Shore Health Department.
 - (4) Assure that measures are taken to provide an environment in which individuals can be healthy.
 - (5) Assure that the North Shore Health Department is a Level I, II or III Health Department as specified in Sections 251.04(1) and 251.04(2), Wis. Stats., or such successor statutes as from time-to-time adopted by the State of Wisconsin.

State Law Reference: Sec. 141.015, Wis. Stats.

2.4.3 BOARD OF APPEALS.

- (a) **Establishment.** A Board of Appeals shall be appointed as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Board of Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The members shall be removable by the Common Council for cause upon written charges and upon public hearing. The Mayor shall designate one of the members chairman.
- (b) **Powers.** The Board of Appeals shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative

- official in the enforcement of the City's zoning, building code and subdivision ordinances.
- (2) To hear and decide special exceptions to the terms of City zoning, floodplain zoning, building code and subdivision regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the City's zoning, building code and subdivision regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning, building code and subdivision codes shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Board of Appeals shall consider the recommendation of the Architectural Review Board under Section 2.4.9(c).
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of a zoning, building code and subdivision codes, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's zoning, building code and subdivision ordinances. The grounds of every such determination shall be stated and recorded. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) **Meetings and Rules.** All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Common Council shall provide, and compensate, a secretary for the Board of Appeals. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.
- (d) **Offices.** The Common Council shall provide suitable meeting space for holding the Board of Appeals' hearings.

- (e) **Appropriations.** The Common Council shall appropriate funds to carry out the duties of the Board of Appeals and the Board shall have the authority to expend, under regular procedures, all sums appropriated to it for the purpose and activities authorized herein.
- (f) **Fee for Appeals.** In all appeals to the Board of Appeals taken by any person aggrieved by any decision of the administrative officer, the person appealing shall, as a condition precedent to his appeal, pay to the City Treasurer prior to his filing his notice of appeal an appeal fee of One Hundred Dollars (\$100.00).

State Law Reference: Sec. 62.23(7), Wis. Stats.

2.4.4 CITY PLAN COMMISSION.

- (a) **Composition.** The City Plan Commission shall consist of seven (7) members. All members of the Commission shall be appointed by the Mayor, who shall also choose the presiding officer. The Mayor may appoint himself/herself to the Commission and may appoint other City elected or appointed officials, except that the Commission shall always have at least three (3) Glendale resident citizen members who are not City officials. Citizen members shall be persons of recognized experience and qualifications.
- (b) **Term.** The members of the Commission shall be appointed to hold office for a period of three (3) years. Appointments shall be made by the Mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.
- (c) **Experts and Staff.** The City Plan Commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the Common Council, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Common Council.
- (d) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members present of the Commission.
- (e) **Duties.**
 - (1) The Master Plan.
 - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. the master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the

general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
- (2) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by

the Common Council, the Council or other public body or officer may take final action without it.

- (1) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (g) **Compensation.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.

2.4.5

MUSIC IN THE GLEN COMMITTEE.

- (a) **Creation and Purpose.** There is hereby created a Music in the Glen Committee to consist of five (5) residents or business owners or operators of the City of Glendale, who are to meet as often as may be necessary for the purpose of organizing, promoting and continuing the City's annual summer music concert series.
- (b) **Appointment; Terms.**
 - (1) **Terms.** The members of said Music in the Glen Committee shall be appointed by the Mayor, subject to the approval of the Common Council. The appointees shall serve for terms of three (3) years respectively. Appointments to fill vacancies and for the terms following the initial terms shall be made in the same manner as provided herein.
 - (2) **Alternate Members.** The Mayor may appoint, subject to confirmation of the Common Council, two (2) additional members to act as alternates, each of which shall act with full power only when a member, or members, of the Committee is/are absent. The initial terms of each of such alternate members shall commence with the date of his or her appointment and terminate on April 30th of the ensuing year. Thereafter, terms of each of such alternates shall commence on May 1st of each year and terminate on April 30th of the following year.

2.4.6 ADVISORY COMMITTEE ON ESTHETICS AND CONSERVATION.

- (a) **Creation, Appointment and Terms of Office.** There is herewith created an Advisory Committee on Esthetics and Conservation to consist of twelve (12) members appointed by the Mayor, subject to confirmation by the Common Council. Each member shall be a resident of the City of Glendale, and one (1) shall be a member of the Common Council. The terms of each member shall be for two (2) years commencing on May 1st of the year of their appointment.
- (b) **Purpose and Duties.** The purpose of said Committee shall be to study and evaluate the various categories and use areas in the City and to submit, from time to time, but at least every three (3) months, advisory recommendations to the Mayor and Common Council which, from its studies and evaluations, seem to be advisable to effectuate the conservation of natural beauty and to promote a cleaner, healthier and more attractive human habitat therein.

2.4.7 FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE.

- (a) **Creation, Appointment and Terms of Office.** There is herewith created a Floodplain Management Advisory Committee to consist of six (6) members, who shall be residents of the City of Glendale. Said members shall be appointed by the Mayor, subject to confirmation of the Common Council. The initial terms of each of said members shall commence on the day of his appointment and confirmation and terminate on the 30th day of April next succeeding. Thereafter, such terms shall commence on the 1st day of May of each year and terminate on the 30th day of April next succeeding. The Committee shall select a Chairman and a Secretary from its own members. The Common Council may elect not to activate and appoint members to this Committee, utilizing it on an as-needed basis.
- (b) **Purpose and Duties.** The purpose of said Committee shall be to study, investigate, review, make reports and give advice from time to time to the Common Council and the Plan Commission on matters relating to floodplain management. Written reports of the activities of the Committee shall be made to the Common Council at least every three (3) months.

2.4.8 MARKETING COMMITTEE.

- (a) **Creation, Appointment, and Terms of Office.** The Marketing Committee shall be made up of not more than thirteen (13) members chosen from the business community, school system, local government, and residents. The Mayor shall designate the Chairman of the Committee, and appoint each member subject to confirmation by the Common Council. The term of the member shall be one (1) year, without limitation on the number of terms to which one can be appointed.

- (b) **Purpose and Duties.** The purpose of the Committee shall be to recommend to the Mayor and Common Council effective strategies to generate awareness and build positive perception for the City of Glendale, its school districts, and community services.

2.4.9 ARCHITECTURAL REVIEW BOARD.

(a) **Composition.**

- (1) a. A review board known as the "Architectural Review Board" shall be appointed by the Mayor, subject to confirmation by the Common Council, for a period of one (1) year commencing on the first (1st) day of May of each year. The Architectural Review Board shall meet on the call of the chairperson of the Architectural Review Board, the Director of Community Development or the Zoning Administrator/City Planner to consider applications for single-family residential building permits. The Plan Commission shall be responsible for the review and approval of all commercial, industrial and multi-family building plans and permits. The membership of the Architectural Review Board shall consist of five (5) regular members at large as follows:
1. One (1) registered architect;
 2. One (1) member of the Common Council, who shall serve as chairperson;
 3. Three (3) lay members.
- b. The Common Council shall designate one (1) of its members as an alternate to the regular representative. The alternates shall act with full power only when the regular member refuses to vote because of personal interest or is absent. If the Alderman or his/her alternate is absent, the members of the Board who are present shall select by a majority vote a member to act as Chairperson for that meeting only. When it is known prior to a meeting that a shortage of members at large will occur that will jeopardize the quorum requirement for that meeting or hearing, the alternate Common Council member shall attend the meeting along with the regular Common Council member and shall have a vote as a member at large.
- c. There shall be a reserve panel consisting of five (5) residents of the City.
- (2) A quorum shall consist of any combination of regular and reserve panel members as follows:
- a. Two (2) regular members and two (2) reserve panel members; or
 - b. Three (3) regular members and one (1) reserve panel member; or
 - c. Four (4) regular members.
- (3) The Community Development Planner shall act as Secretary of the Architectural Review Board.

(b) **Jurisdiction.**

- (1) Any building permit issued pursuant to the authority granted to the Board herein shall be issued with the approval of at least a majority of a quorum of the Architectural Review Board. In making this determination, the Board shall examine the application papers for the building permit, view the site of the proposed structure, and be guided by the following standards:
 - a. No building, structure or alteration shall be permitted incorporating a design, materials, style or exterior appearance which are so identical with those adjoining as to create excessive monotony and drabness;
 - b. No building, structure or alteration shall be permitted incorporating an exterior design, style, size, or materials which are inconsistent in relation to the surroundings (in terms of both natural surroundings and existing buildings and/or structures), such that the building, structure or alteration would result in an inharmonious and/or haphazard development of the immediate neighborhood, immediate area or the applicable district established by the Glendale Zoning Code;
 - c. No building, structure or alteration shall be permitted incorporating an exterior design, style, size, materials or site on the property such that the building, structure or alteration would unnecessarily destroy, damage or impair the natural beauty of the area; adversely and substantially effect or impact property values of the immediate neighborhood; or unreasonably affect or adversely impact the beauty and general enjoyment of existing residences in the immediate neighborhood or adjoining properties.
 - (2) In making its determination as provided in subsection (1), above, the Board may consider, but is not bound by, the approval or disapproval of the developer and/or architectural committee of a development or subdivision in which such building, structure or alteration is proposed.
 - (3) The application papers for a building permit shall be submitted to the Community Development Planner and shall include building plans with adequate exterior elevations or perspective sketches to enable the Board to judge the appearance of the proposed building, structure or alteration.
 - (4) The Architectural Review Board need not grant approval of a proposed project if the project, structure or proposal before the Board would violate any applicable federal, state or local rule, regulation or law.
- (c) **Hearings.** The Architectural Review Board may hear, if it desires, the applicant for the proposed building permit and/or the owner of the lot on which the building, structure or alteration is proposed, together with any other persons desiring to be heard, whether residents or property owners, giving such notice of the hearing as the Board may deem sufficient. Such hearing may be adjourned from time to time, but not for more than seventy-two (72) hours. Within five (5) business days after the close of the hearing, the Board shall make its determination, in writing, and setting forth the reasons for such determination. The Board's determination shall be immediately filed with the office of the City Clerk, who shall send a copy of it to the Community Development Planner and the applicant. In the event the

Architectural Review Board shall determine that an approval, which it deems to be in the interest of the property owner and of benefit to the general aesthetics of the area, requires a variance under Section 2.4.3(b)(3), the Architectural Review Board shall refer the matter, including its recommendation, to the Board of Appeals. The Board of Appeals shall consider the recommendation of the Architectural Review Board, but the recommendation of the Architectural Review Board shall not be binding upon the Board of Appeals.

- (d) **Appeals.** Any person entitled to appeal from the Community Development Planner's grant of or refusal to issue said building permit may appeal to the Board of Appeals of the City of Glendale in the same manner and with the same force and effect as if this Chapter had not been adopted and the Building Planner had taken such action independently of the Architectural Review Board.
- (e) **Approvals.** Approvals of the Architectural Review Board shall be in effect for six (6) months from the date of grant, and thereafter, in the event no building permit has been procured, shall require review and renewal.

2.4.10 POLICE COMMISSION AND JOINT FIRE COMMISSION.

- (a) **Board of Police Commissioners.** The Board of Police Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the Secretary of the Commission, one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police Commissioners shall have the power and authority prescribed by this Code of Ordinances and by Sec. 62.13, Wis. Stats., excepting the optional powers prescribed in Sec. 62.13(6), Wis. Stats.
- (b) **Joint Fire Commission.** Pursuant to Secs. 66.30, 62.13(2) and 61.65, Wis. Stats., the City has entered into an agreement with neighboring communities to establish a jointly operated fire and emergency services department called the "North Shore Fire Department." Pursuant to Sec. 61.65, Wis. Stats., and the terms and conditions of the North Shore Fire Services Agreement (and any subsequently executed agreements), the City designates and vests in the Joint Fire Commission all jurisdiction, power and authority, as provided by Sec. 62.13(2) to (12), Wis. Stats., exclusive of Sec. 62.13(6), Wis. Stats.

State Law Reference: Sec. 62.13, Wis. Stats.

Cross Reference: Title 5, Chapter 7.

2.4.11 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
- (1) Fix a regular date, time and place for its meeting;
 - (2) All meeting notices shall be filed with the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
 - (3) Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Section 19.81 to 19.89, Wis. Stats.

2.4.12 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS.

No person not a resident of and not a resident in the City of Glendale shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board or commission, excepting that an existing member of the Plan Commission may continue to serve, or in addition may be re-appointed, upon a determination by the Mayor and Common Council that the member's individual expertise is reasonably necessary and to the benefit of the Commission in performing its duties, and an appropriate resident replacement is not then available.

2.4.13 BOARD OF PUBLIC WORKS ELIMINATED.

As provided in Section 62.14(1), Wis. Stats., the Board of Public Works is eliminated. The duties of the Board shall be performed by the Common Council and the words "board of public works" wherever used in these ordinances or Chapter 62 of the Wisconsin Statutes shall include said Board.

2.4.14 GLENDALE DAYS COMMITTEE.

- (a) **Creation, Appointment, and Terms of Office.** There is herewith created a Glendale Days Committee appointed by the Mayor, subject to confirmation by the Common Council. Each member shall be a resident of or employed within the City of Glendale, and one shall be a member of the Common Council. The terms of each member shall be for one (1) year appointments, all appointments to be at the discretion of the Mayor and confirmed by the Common Council.

- (b) **Purpose and Duties.** The purpose of the Committee shall be to coordinate, facilitate, and effect appropriate recognition of the Fourth of July holiday by the City of Glendale, to implement and supervise Glendale Days festivities, a Fourth of July parade and related functions that shall provide enjoyment for the citizenry of the City and will appropriately recognize the national holiday. The Committee may select its own chairperson and shall conduct its meetings informally, or subject to Robert's Rules of Order when in the discretion of the chairperson formal procedure is necessary to effect the orderly conduct of business.

2.4.15 **STORMWATER MANAGEMENT ADJUSTMENT BOARD.**

- (a) **Composition.** The Stormwater Management Adjustment Board shall consist of one (1) Alderman, originally appointed by the Mayor, but thereafter annually elected at the Common Council's organizational meeting, the City Administrator and the City Comptroller.
- (b) **Duties.** The duties and functions of the Stormwater Management Adjustment Board shall be as prescribed in Section 6-5-8 of this Code of Ordinances.

2.4.16 **JOINT NORTH SHORE LIBRARY BOARD.**

- (a) **Creation.** There is created a Joint North Shore Library, hereinafter referred to as the North Shore Library, which was created under authority of Section 66.30, Wis. Stats., (1955), serving the Village of Fox Point, the Village of Bayside, the City of Glendale, and the Village of River Hills.
- (b) **Composition.** The North Shore Library Board shall consist of representatives from the Village of Fox Point, the Village of Bayside, the City of Glendale, and the Village of River Hills, which representatives shall be determined and governed, both as to composition and term, by the Joint Library Agreement of the North Shore Library.
- (c) **Jurisdiction, Operation, and Duties.** The North Shore Library shall provide library services for its member communities, and shall select its officers, conduct its meetings, develop its policies, and determine public library needs, all as required or set forth in the Fox Point, Bayside, Glendale, River Hills, Joint Library Agreement as entered into under date of January 1, 1985, and as thereafter from time-to-time amended.

2.5 Ethical Standards

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| 2.5-1 | ETHICAL STANDARDS OF PUBLIC OFFICIALS - DECLARATION OF POLICY |
| 2.5.2 | STATUTORY STANDARDS OF CONDUCT |
| 2.5.3 | RESPONSIBILITIES OF PUBLIC OFFICE |
| 2.5.4 | DEDICATED SERVICE |
| 2.5.5 | USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS |
| 2.5.6 | CONFLICT OF INTEREST |
| 2.5.7 | SPECIFIC CONFLICTS OF INTEREST |
| 2.5.8 | ADVISORY OPINION |
| 2.5.9 | LEGISLATIVE AND JUDICIARY COMMITTEE JURISDICTION AND APPLICATION |
| 2.5.10 | SANCTIONS |

2.5.1 ETHICAL STANDARDS OF PUBLIC OFFICIALS- DECLARATION OF POLICY.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of the government. In recognition of these goals, there is hereby established a code of ethics for all City officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, subject only to the terms and conditions that may be contained in any employee collective bargaining agreements. The purpose of this Chapter is to establish guidelines for ethical standards of conduct by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials and employees of private financial or other interest in matters affecting the City. The provisions and purpose of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Glendale.

2.5.2 STATUTORY STANDARDS OF CONDUCT

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

- (a) **Section 946.10.** Bribery of Public Officers and Employees.
- (b) **Section 946.11.** Special Privileges from Public Utilities.
- (c) **Section 946.12.** Misconduct in Public Office.
- (d) **Section 946.13.** Private Interest in Public Contract Prohibited.

2.5.3 RESPONSIBILITIES OF PUBLIC OFFICE.

- (a) Public officials and employees are bound to be fair and equitable in their official acts as they discharge .faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.
- (b) Public officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially the laws of the nation, state and municipality.

2.5.4 DEDICATED SERVICE.

- (a) All public officials of the City should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Public officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by official recognized confidentiality of their work.

2.5.5 USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS.

- (a) **Use of Public Property.** No public official or employee shall request, use or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- (b) **Obligation of Citizen.** No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

2.5.6 CONFLICT OF INTEREST.

No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would impair his independence or judgment or action in the performance of his official duties.

2.5.7 SPECIFIC CONFLICTS OF INTEREST.

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is merely illustrative and not exclusive:

(a) **Incompatible Employment.**

- (1) No Alderman or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or which would impair his independence of judgment or action in the performance of his official duties. In the event an Alderman or other public official possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with this public duty shall be removed by his/her disclosure of the nature and extent of such investment to the Common Council for the records of that authority.
- (2) An Alderman or other public official or employee may request an opinion from the City Attorney on any question regarding potential incompatible employment.

(b) **Disclosure of Confidential Information.** No Alderman or other public official shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall he/she use such information to advance the financial or other private interests of himself or others.

(c) **Gifts and Favors.**

- (1) No Alderman or other public official or employee shall accept any gift, other than an advertising novelty of which apparent value is less than Ten Dollars (\$10.00), whether in the form of service, loan, thing or promise, from any person who, to his/her knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the City, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him/her in the discharge of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value.
- (2) It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value which he/she is not authorized to receive from any person, if such person:
 - a. Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or
 - b. Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or
 - c. Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.
- (3) Any Alderman or other public official or employee who accepts any gift, favor or thing of value, in the case of an Alderman, must disclose the matter in the minutes of the next Council meeting and, in the case of other

officials or employees, report the matter to the Council for disclosure in the minutes of the next meeting.

(d) **Representing Private Interests Before City Agencies.**

- (1) No Alderman or other public official or employee whose salary is paid in whole or in part by the City shall appear in behalf of private interests before any agency of the City. He/she shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party.
- (2) While it is not a "per se" violation of these ethical standards for an elected official to attend or participate in meetings of City boards, commissions or committees of which the respective official is not a member, any elected City official's attendance or participation at such meetings shall be governed by the following considerations:
 - a. The elected City official shall give total deference to the authority of the chairperson of such board, commission or committee.
 - b. The elected City official shall identify whether any comments the official makes at such a meeting are in the capacity of an individual citizen or in the capacity of an elected official.
 - c. The elected City official shall confine appearances, as necessary, to meetings where the appearance is made to further City business or to further the interest of a matter of particular significance to said official's constituency.
 - d. The elected City official shall never represent that the official's personal views in any way reflect the views of the City as a whole, or are indicative of or binding upon the Common Council.
 - e. The elected City official shall immediately, and preferably before an appearance, refer any questions concerning the official's appearance at a meeting and a possible conflict of interest to the City Attorney for opinion.
 - f. The elected official shall provide the Chairperson of any meeting the official attends with any information requested by said Chairperson.
 - g. Prior to attending or participating in a meeting, the elected official shall notify the City Clerk in order to comply with any applicable open meeting and notice requirements.
 - h. The elected City official shall not appear before any board or commission that is conducting a quasi-judicial hearing where evidence is presented or witnesses testify unless the official has been subpoenaed to testify by a party, the board or commission. This provision is not intended to preclude an elected official's attendance, as opposed to participation, at such a hearing.

- (e) **Contracts with the City.** No City employee or officer who, in his/her capacity as such officer or employee, participates in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his/her part, shall enter into any contract with the City unless within the confines of Sec. 946.13 of

the Wisconsin Statutes. The provisions of this Section shall not apply to the designation of a public depository of public funds, nor to contracts for the purchase of commodities in any one (1) year under Three Hundred Dollars (\$300.00).

(f) **Disclosure of Interest in Legislation.**

- (1) An Alderman who has a financial or other private interest in any legislation shall disclose on the records of the Council the nature and extent of such interest. This provision shall not apply if the Alderman disqualified himself from voting.
- (2) Any other public official or employee who has a financial or other private interest and who participates in discussion with or gives an official opinion to the Council shall disclose on the record of the Council the nature and extent of such interest.

2.5.8 ADVISORY OPINION.

Any questions as to the interpretation of any provisions of the Code of Ethics Chapter shall be referred to the City Attorney for an advisory opinion, and such opinion shall be given to the Legislative and Judiciary Committee and/or Common Council for its action, if any.

2.5.9 LEGISLATIVE AND JUDICIARY COMMITTEE JURISDICTION AND APPLICATION.

- (a) The Legislative and Judiciary Committee shall have administrative jurisdiction over this Code of Ethics.
- (b) The Committee may make recommendations with respect to amendments of this Code of Ethics.
- (c) Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Committee shall conduct a public hearing in accordance with all common law requirements of due process and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official or employee and refer the matter to the Common Council for appropriate action.
- (d) In the event a member of the Legislative and Judiciary Committee is allegedly involved in an ethics code violation, the Mayor, subject to the confirmation of the Common Council, shall appoint another Alderman to temporarily replace the member of the Committee who is under investigation.
- (e) In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an ethics code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Code of Ethics.

2.5.10 SANCTIONS.

- (a) Violation of any provision of this Chapter should raise conscientious questions for the Aldermen or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City. Violation may constitute a cause for suspension, removal from office or employment or other disciplinary action.
- (b) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement, will be consistent with the terms and conditions set forth in the applicable labor agreement.

2.6 Benefits for Professional, Management and Supervisory Employees

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2.6.1 PURPOSE.

- (a) The purpose of this Chapter is to establish and define the terms and conditions of employment for all full-time, non-represented employees of the City of Glendale. This Chapter shall apply to all employees classified as professional, executive, management, supervisory, confidential and others whose positions are not covered by a labor contract.
- (c) In order to provide stability to these employees, this Chapter will not be altered, amended or changed without first providing for a public hearing before the Common Council upon at least ten (10) days' published notice of the proposed changes, with opportunities for all parties to be heard. All amendments to this Section will require at least a two-thirds (2/3) vote of the entire Common Council.

2.6.2 EQUAL EMPLOYMENT OPPORTUNITIES.

- (a) **General Policy.** It shall be the policy of the City of Glendale to recruit and select the most qualified persons for positions in the City government, including full-

time, part-time and limited term appointments. Recruitment and selection shall be conducted in an affirmative manner to insure open competition, provide equal opportunity, prohibit discrimination because of race, color, religion, place of residence, politics, sex, sexual preference, national origin, age, mental or physical handicap. Goals of this policy are that persons of disadvantaged groups be fairly represented by the City's work force and that promotional opportunities are provided for qualified employees.

- (b) **Discrimination Prohibited.** The Common Council, as the duly elected legislative authority, and the Mayor, as the duly elected executive authority, of the City of Glendale, reaffirm, endorse, support and are committed to the concept of equal opportunity employment as defined and/or implied under Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity Act of 1972 and the Americans With Disabilities Act of 1990. Equal employment opportunity will be assured in the municipal personnel systems and affirmative action provided in their administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, separation, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations, or because of race, national origin or other non-merit factors is prohibited.
- (c) **Equal Employment Opportunities.** It is the policy of the City of Glendale not to discriminate against any employee or applicant for employment because of race, color, religion, creed, age, sex, sexual preference, national origin or ancestry. This policy not to discriminate in employment includes, but is not limited to, the following:
- (1) The City will employ those applicants who possess necessary skills, education and experience, without regard to race, color, religion, creed, age, sex, sexual preference, national origin or ancestry.
 - (2) The City will promote, upgrade, transfer or demote, recruit, advertise or solicit for employment without regard to race, color, religion, creed, age, sex, sexual preference, national origin or ancestry.
 - (3) The City will train during employment and select for training and apprenticeship programs without regard to race, color, religion, creed, age, sex, sexual preference, national origin or ancestry.
 - (4) No employee shall aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of race, color, religion, creed, age, sex, sexual preference, national origin or ancestry.
 - (5) The City will establish rates of pay and terms, conditions or privileges of employment without regard to race, color, religion, creed, age, sex, sexual preference, national origin or ancestry.
 - (5) The City will use for job referral purposes only those employment agencies which do not discriminate on the basis of race, color, religion, creed, age, sex, sexual preference, national origin or ancestry.

State Law Reference: Secs. 111.31 through 111.37, Wis. Stats.

2.6.3 VACATIONS.

- (a) (1) Every regular full-time employee covered by this Chapter shall receive the following vacation benefits:

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|---------------------------------|-------------------------------|
| One (1) year of service: | Ten (10) working days |
| Seven (7) years of service: | Fifteen (15) working days |
| Fourteen (14) years of service: | Twenty (20) working days |
| Twenty (20) years of service: | Twenty-five (25) working days |

After twenty (20) years of service, an additional work day for vacation will be granted for each continuous additional year of service, with a maximum of thirty (30) working days of vacation after twenty-five (25) years of service.

- (2) For Police and Fire Department management employees whose typical work week differs from the normal forty (40) hour work week, their vacation schedule shall be the same as the collective bargaining unit's schedule for that department.
- (b) **Use During Probationary Period.** New employees accrue, but may not use vacation benefits during the initial six (6) month probationary period, unless approved by the Common Council.
- (c) **Accumulation.** Vacation credit may not be accumulated or carried over from year to year, unless prior approval is obtained from the Common Council.
- (d) **Minimum Usage.** Vacation may be used in no less than one (1) day increments.
- (e) **Scheduling.** The department head shall determine the number of employees on vacation at any one (1) time. Employees shall make their vacation request to their immediate supervisor at least two (2) weeks prior to the dates requested.

2.6.4 PAID HOLIDAYS.

- (a) Regular full-time employees covered under this Chapter shall receive the following paid holidays:
- (1) New Year's Day.
 - (2) Good Friday.
 - (3) Memorial Day.
 - (4) Independence Day.
 - (5) Labor Day.
 - (6) Thanksgiving Day.
 - (7) Day after Thanksgiving.
 - (8) Christmas Eve Day.
 - (9) Christmas Day.
 - (10) New Year's Eve Day
 - (11) Two (2) floating holidays.
- (b) The payment for said holidays shall be at the daily salary rate.

- (c) In the event that a holiday falls on a Saturday, the employee shall receive the previous Friday off; on a Sunday, the employee shall receive the following Monday.
- (d) In the event that a holiday falls on a Saturday or a Sunday and is immediately followed by another holiday on Sunday or Monday, the employee shall receive the preceding workday off.
- (e) Choice of a floating holiday must be approved by the department head, and they must be taken in full days.
- (f) Employees required to work on a holiday shall be entitled to compensatory time off to the mutual convenience of the employee and the department head. In the event the holiday falls during an employee's vacation, the employee shall receive an additional day off in its place.

2.6.5 GROUP INSURANCE.

- (a) **Inclusion in Program.** Regular employees may choose to be included in the group insurance program. All such insurance programs shall be selected by and may be changed by the employer.
- (b) **Health, Dental, Eye Care Insurance.**
 - (1) The City shall provide to all employees covered by this Chapter a comprehensive hospital and surgical care insurance plan and dental insurance plan equal, in all respects, to the coverage granted the majority of employees.
 - (3) The City after one (1) year of employment, shall pay the cost of one (1) pair of prescription glasses and the cost of one (1) eye examination for each employee once every two (2) years and such total costs shall not exceed Seventy-five Dollars (\$75.00).
- (c) **Additional Claims.** No employee shall make any claim against the employer for additional compensation in lieu of or in addition to the above insurance premiums paid because the employee does not qualify for the family plan.
- (d) **Dependency Status.** If two (2) employees are in dependency status to each other, only one (1) of the employees may carry the family insurance coverage. Double single coverage will not be permitted.
- (e) **Conditions for Coverage.**
 - (1) To obtain coverage, employees must apply for coverage within thirty (30) days from the date of hire. An employee failing to apply within thirty (30) days must give one (1) year advance notice of their desire to be included in a plan before coverage is extended to them. Employees who discontinue coverage and who later desire to rejoin the plan must give one (1) year advance notice of their desire to be included before coverage is extended to them. The one (1) year notice may be waived in such cases as death of spouse, divorce or similar circumstances.
 - (2) Regular part-time employees shall pay a pro rata share of premiums.

- (f) **Health Insurance Upon Retirement.** Any management employee who retires from the City shall be eligible for health insurance coverage provided the following:
- (1) They must have completed at least ten (10) years of creditable service with the City under the Wisconsin Retirement Fund Program.
 - (2) The retired employee will not be eligible for health insurance if they take another job providing health insurance.
 - (3) The retired employee shall be eligible and accepts the Wisconsin Retirement Fund Pension.
 - (4) For any employee, age fifty-five (55) to fifty-nine (59), age fifty (50) to fifty-two (52) for protectives, who retires within this age bracket, the City will assume fifty percent (50%) of the monthly health insurance premium of the lowest qualified HMO program. The employee must assume the remaining monthly health insurance premium costs.
 - (5) After reaching age fifty-nine (59), or age fifty-three (53) for protectives, the City will pay up to one hundred five percent (105%) of the lowest qualified HMO program monthly premium. The employee shall pay the difference, if any.
 - (6) Any employee who retires with a duty-incurred disability and who qualifies for and accepts a disability pension under the Wisconsin Retirement Fund Program and who is under the age of fifty-five (55), age fifty (50) for protectives, and/or has less than ten (10) years of creditable service with the City of Glendale, shall be eligible to remain in the health insurance program provided by the employer, provided he/she, on a monthly basis, pays the full premium. If the retiree acquires a job where health insurance is made available to him/her, the City plan will be terminated. If, at any time, the retiree ceases to participate in the health insurance program, he/she shall not be entitled to reinstatement.
 - (7) Any employee who has completed ten (10) years with the City and who is not disabled, but who retires under the Wisconsin Retirement Fund Program before the age of fifty-five (55), will become eligible for health insurance coverage at age fifty-five (55). Said employee shall be required to pay the entire premium prior to age fifty-five (55). When the employee reaches age fifty-five (55), he shall become eligible for health insurance coverage per Subsection (4) above.
 - (8) Retirees over sixty-five (65) years of age and on Medicare shall be eligible to participate in a Medicare plus or extended health insurance program. The City will cover the costs for the retired employee only; spouse coverage will not be paid by the City.
 - (9) Retirees are eligible to continue their participation in the City's dental insurance program with the costs being the responsibility of the eligible retiree.
- (g) **Term Life Insurance.**
- (1) **State Program.** The City shall provide and pay for group life insurance to employees covered by this Chapter in accordance with the State of Wisconsin Life Insurance Program.

- (2) **Supplemental and Spouse -- Dependent Coverage**, Subject to the terms and conditions of the State of Wisconsin Group Life Insurance Program, employees have the option, at their cost, to participate in the Supplemental and Spouse -- Dependent Coverage Program.
- (h) **Retirement.** Eligible employees will be covered under the Wisconsin Retirement Fund. In addition to paying the employer's required payment to the fund, the employer will pay the employee's share of the fund

2.6.6 GENERAL LEAVES OF ABSENCE.

- (a) An employee with at least six (6) months' service, giving two (2) weeks' prior notice, may, at the discretion of the City Administrator, be granted an unpaid leave of absence. The granting of such leave and the length of time for such leave shall be contingent upon the reasons for the request and shall be determined by the City Administrator.
- (b) In no case shall a leave of absence be granted for the purpose of accepting employment with another employer. During the period of leave of absence, no benefits shall accrue to the employee.
- (c) In the event an employee is granted a leave of absence, the City shall continue the employee's benefits for up to sixty (60) days. If an employee wishes to have their benefits continue beyond sixty (60) days, the cost of such benefits must be paid by the employee.

2.6.7 JURY DUTY.

Employees shall be granted time off with full pay for reporting for jury duty or for jury duty service upon presentation of satisfactory evidence relating to his duty of service. An employee engaged in jury duty who is excused therefrom by 11:00 a.m. or earlier must report to his regular work for the remainder of the day to qualify for full pay. Compensation received for such duty or service, exclusive of travel pay or pay for jury duty on off days, shall be immediately paid over to the City.

2.6.8 SICK LEAVE.

- (a) **Accumulation.** On January 1 of each year of employment, the sick leave account of each employee will be credited with twelve (12) days of sick leave. The maximum accumulation in an employee's sick leave account shall be two hundred twelve (212) days.
- (b) **Use of Sick Leave.** Sick leave of absence with pay will be given on account of sickness of the employee or one of the immediate family, or a relative living in the same household of the employee, or an absence in compliance with quarantine regulations of health authorities. Member of the immediate family is defined as

husband or wife, child, stepchild, brother, sister, parent, parent-in-law or stepparent, or other relative living in the same dwelling unit.

(c) **Advance Notice and Use.**

- (1) In the event that an employee is aware in advance that sick leave benefits will be needed or due, it shall be the duty of the employee to notify the City Administrator as far in advance as possible in writing of the anticipated time and duration of such sick leave, the reason for requesting such sick leave and medical certification that the employee will be unable to perform his/her normal work function. Employees will be required to begin using sick leave on the date after which their doctor certifies that they are medically unable to perform their normal duties. An employee on sick leave is required to notify the City Administrator at the earliest possible time of the anticipated date on which the employee will be able to resume his/her normal duties.
- (2) An employee, upon retirement, death or upon completion of ten (10) years of service, shall be entitled to all his accumulated sick leave at his normal rate of pay up to a maximum of one hundred two (102) days; of which up to a maximum of sixty (60) days may be used by the employee to pay for their cost of health insurance. In the event of termination of employment prior to retirement or completion of ten (10) years of service, an employee shall not be entitled to payment of any accumulated sick leave.
- (3) In the event of the death of the employee prior to retirement, the accumulated sick leave pay will be paid to his/her surviving spouse and, in the case of a single employee, to his designated beneficiary.

(d) **Duty-Incurred Disability.**

- (1) An employee who sustains an injury while performing within the scope of their employment shall receive partial salary, to the limit hereafter provided, equal to the difference between full salary and the Worker's Compensation benefits paid to such employee pursuant to Chapter 102 of the Wisconsin Statutes (Worker's Compensation Act).
- (2) The City will pay the difference between the amount an employee is entitled to and receives under the Worker's Compensation Act and their regular pay for a period of twelve (12) months following disability.
- (3) Beyond one (1) year from date of injury, the employee may use any accumulated sick leave. Such leave for sickness or accident shall be granted only after presentation by written statement from a doctor certifying that the employee's condition prevented them from performing the duties of their position and stating the nature of such illness or injury.

2.6.9 FUNERAL LEAVE.

- (a) Employees shall be allowed up to three (3) days off with pay in the event of death in the immediate family. (Spouse, child, stepchild, mother, father, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father-in-law and mother-in-law.)

- (b) Employees shall be allowed up to four (4) hours off with pay for the specific purpose of attending the funeral of a fellow City employee or official.

2.6.10 EDUCATIONAL INCENTIVE PROGRAM.

- (a) All employees may enroll and participate in job/career-related educational courses, seminars and informational programs upon the approval of the City Administrator.
- (b) Upon approval of the program course by the immediate supervisor, employees may submit a written request for fee and/or tuition reimbursement to the Common Council for approval.

2.6.11 AUTO ALLOWANCE.

- (a) Those employees not receiving monthly auto allowance stipends and who are required to use their personal vehicle for City business shall be paid at the rate determined by the United States Internal Revenue Service.
- (b) Monthly auto allowance stipends shall be paid to those employees who, by determination of the Common Council, use their personal vehicle on a regular basis for City business. The stipend amount shall be reviewed periodically for revisions. Said auto stipend schedule shall be kept on file in the office of the City Administrator.

2.6.12 CLOTHING ALLOWANCE.

Regular employees covered by this Section who are required to own and wear a specified uniform on a regular basis will receive an annual clothing and maintenance allowance in the amount equal to represented employees.

2.6.13 LONGEVITY ALLOWANCE.

All employees shall be paid a longevity allowance in addition to their basic salary. It consists of Five Dollars (\$5.00) per month for every five (5) years of service with the City, with the maximum allowance to be Twenty-five Dollars (\$25.00) per month.

2.6.14 OVERTIME AND COMPENSATORY TIME.

- (a) All hours over forty-four (44) hours per week worked by a supervisory or management employee covered by this Section and approved by their supervisor shall be taken as time off on an hour-for-hour basis during the calendar year in

which it was earned. Accumulated compensatory time shall not be carried over to the next year.

- (b) Supervisory employees in the Police Department will, after working forty-two and one-half (42.5) hours per week, receive the same compensatory time benefits granted for represented employees within their department, except that compensatory time may not be taken or paid in cash.

2.6.15 DEFERRED COMPENSATION PROGRAM.

Employees may enroll and participate in an approved deferred compensation program, subject to such rules and regulations governing the program.

2.6.16 LEGAL EXPENSES.

All employees covered by this Chapter are to be represented by an attorney paid for at City expense, in any action brought against an employee in the lawful exercise of their official duties and responsibilities.

2.6.17 FAMILY AND MEDICAL LEAVE.

The City and its employees are subject to the provisions of the Federal Family and Medical Leave Act of 1993 and the Wisconsin Family and Medical Leave Law.

2.6.18 WAGES.

The compensation for non-elected regular employees not covered by a labor agreement shall be as follows:

- (a) Standard Salary Schedule. The standard Salary Schedule, on file with the City Administrator, is hereby adopted; said schedule establishes salaries.
- (b) **Position Reclassification.** The City Administrator shall have the responsibility to recommend the reclassification of position. All position reclassifications are subject to the prior approval by the Mayor and by the Common Council.
- (c) **Classification and Pay Grades.** All new classifications and pay grades are subject to approval by the Mayor and the Common Council.
- (d) **Responsibility for Administration.** The administration of the pay provisions as set forth in this Chapter will be the responsibility of the City Administrator.
- (e) **Annual Confirmation of Salary Schedule.** The salary schedule established above shall be subject to annual review and confirmation by the majority of the Common Council. No public hearing shall be required.

2.6.19 CERTAIN EMPLOYMENT RULES.

The following personnel rules shall apply to all employees not covered by a labor agreement in addition to these personnel policies, rules of personal conduct, City or departmental rules adopted by resolution, bylaw or practice:

- (a) **Probationary Period.** Unless otherwise specified by the Common Council, new and promoted-employees shall serve a six (6) month probationary period.
- (b) **Probation, Layoff, Severance.**
 - (1) Upon resignation, the City shall pay all money due to the employee on the next regular pay day.
 - (2) All employees shall give a minimum of thirty (30) days' notice, in writing, of their intention to sever employment with the City. Any employee covered herein whose employment is terminated for a reason other than disciplinary, shall be entitled to one (1) month's notification.
 - (3) The tenure of office and selection of full-time appointive City officials shall be subject to the provisions of Section 2-3-2 of this Code of Ordinances.
- (c) **Work Stoppage Prohibited.** No City employee shall instigate, promote, encourage, sponsor, engage in or condone any strike, picketing, slowdown, concerted work stoppage, sympathy strike or any other intentional interruption of work.
- (d) **Penalties.** Any or all of the employees who violate any of the provisions of this Chapter may be discharged or disciplined by the employer, including loss of compensation, vacation benefits and holiday pay.
- (e) **Rights and Responsibilities of the Mayor and Common Council.** Pursuant to Sec. 62.09(7) of the Wisconsin Statutes, the corporate authority of the City shall be vested in the Mayor and Common Council. The Mayor, pursuant to Sec. 62.09(8) of the Wisconsin Statutes and other provisions of law, shall be the chief executive officer. The Mayor shall take care that all City ordinances and State laws are observed and enforced. The Mayor shall ensure that all City officers and employees faithfully discharge their duties, as prescribed by approved position descriptions, City ordinances and State law. In addition to, but not limited to, the Mayor and Common Council, or their designee, possess the following management rights:
 - (1) To direct all operations of the City.
 - (2) To establish work rules and schedules of work.
 - (3) To hire, promote, transfer, schedule and assign employees.
 - (4) To suspend, demote, discharge and take other disciplinary action against employees.
 - (5) To relieve employees from their duties.
 - (6) To maintain efficiency of City operations.
 - (7) To take whatever action is necessary to comply with State or Federal law.
 - (8) To introduce new or improved methods or facilities.
 - (9) To change existing methods or facilities.
 - (10) To determine the kinds and amounts of services to be performed as pertains to City operations, and the number and kind of classifications to perform such services.

- (11) To contract out for goods or services.
- (12) To determine the methods, means and personnel by which City operations are to be conducted.
- (13) To take whatever action is necessary to carry out the functions of the City in situations of emergency.

2.6.20 **NON-REPRESENTED EMPLOYEE PERFORMANCE AND COMPENSATION EVALUATION PROCEDURES.**

- (a) **Purpose.** The purpose of this Section is to systematically develop a comprehensive employee performance and compensation plan resulting in the development of competent and productive employees at the management or supervisory level in the City organization.
- (b) **Performance Evaluation Procedures.**
 - (1) All management and supervisory personnel shall, on an annual basis, prepare specific goals and objectives for their respective department or area of responsibility for the succeeding budget year. These goals and objectives shall be presented to the City Administrator, at a time he so designates, for review and approval.
 - (2) The approved goals and objectives and the employees' success in fulfilling the goals and objectives shall become the major criteria for individual performance evaluation. The evaluations shall be performed by the City Administrator and submitted to the Mayor and Common Council for review purposes.
- (c) **Compensation Evaluation Procedures.**
 - (1) The Mayor and the Common Council shall, with the assistance of the City Administrator, establish salary ranges for all non-represented management, supervisory or confidential employees based upon an analysis of each position's responsibilities and duties and the Milwaukee area public sector prevailing salary ranges for comparable positions. The salary ranges shall be reviewed annually.
 - (2) Initial placement of an employee within the salary ranges, as well as future advancement within the ranges, shall be determined by the individual employee's performance evaluation, as outlined in Subsection (b) above.
- (d) **Limitation of Available Funds.** No provision of these procedures shall be construed as authorizing any expenditure of funds in excess of those appropriated for the respective purposes.