

COW
5-16-16

16-0430

ORDINANCE

An Ordinance to amend Sections 3.010, 3.040, 3.050, 3.070, 3.100, 3.110, 3.130, 3.160, 3.170, 3.190, 3.200, 3.210, 3.270, 3.320, 3.340, 3.460, 3.470, 3.480, 3.510, 3.520, 3.560, 12.010(2), and 27.170(1) of the Manitowoc Municipal Code regulating appointing members of the Common Council to various boards and commissions and correcting staff titles and job duties to align with the City's organization chart and job descriptions.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 3.010(5) is amended to read as follows:

“3.010 Common Council. (5) Standing Committees. The Mayor shall appoint each alderperson to standing committees, boards, and commissions at the first regularly scheduled Common Council meeting in April re-organizational Council meeting, unless otherwise noted by ordinance. The following are the standing committees of the City of Manitowoc and the areas of the responsibility for each committee: ...”

Section 2. Section 3.040 is amended to read as follows:

“3.040 Board of Harbor Commissioners. A Board of Harbor Commissioners is created pursuant to the following resolution, which was adopted on April 16, 1973, and amended on April 17, 1973:

WHEREAS, Manitowoc is a municipality situated on a navigable waterway, and

WHEREAS, a Harbor Commission has existed pursuant to Ordinance, and

WHEREAS, §30.37 of the 1971 Wisconsin Statutes indicates that a Board of Harbor Commissioners should be created by Resolution, and

WHEREAS, it is feasible to continue nine members on said Harbor Commission,

THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Manitowoc that a nine member Harbor Commission shall continue in the City of Manitowoc, and

BE IT FURTHER RESOLVED that three members of said Commission shall have terms which expire at noon on June 1 of each year, and

BE IT FURTHER RESOLVED that at the first regular Council meeting in May of each year, the Mayor shall designate three persons to serve for three year terms beginning at noon on June 1 of each year, and

BE IT FURTHER RESOLVED that the Council shall vote on acceptance or rejection of said appointments at the second regular Council meeting in May of each year, and that in the case of rejection, the Council shall designate which member or members shall continue in office until a successor can be appointed, and

BE IT FURTHER RESOLVED that no person shall be appointed to said Harbor Commission unless that person is a qualified elector of the City of Manitowoc for at least three consecutive years prior to taking office, and

BE IT FURTHER RESOLVED that only one ~~alderman~~alderperson serving at the time of appointment may be appointed to said Board, although should a person be appointed to said Board and subsequently be elected an ~~alderman~~alderperson, that person need not resign, and

BE IT FURTHER RESOLVED that said Harbor Commissioners should receive no compensation for their services but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties, and

BE IT FURTHER RESOLVED that said Harbor Commissioners shall have all the powers and duties authorized by §30.37 and §30.38 of the 1971 Wisconsin Statutes, as amended from time to time, and

BE IT FURTHER RESOLVED that should there occur a vacancy in the Harbor Commissioners, the Successor shall be appointed for the unexpired term in the same manner as the original appointment, and

BE IT FURTHER RESOLVED that if an ~~alderman~~alderperson is on the Board of Harbor Commissioners, no other ~~alderman~~alderperson may be appointed to that Board. It is not necessary for an ~~alderman~~alderperson to be on the Board of Harbor Commissioners, however.

~~The alderperson appointed to this Commission shall be a member of the Public Infrastructure Committee."~~

Section 3. Section 3.050 is amended as follows:

"3.050 City Plan Commission. (2) Membership. The City Plan Commission shall consist of eight members. The members shall be the Mayor, who shall be the presiding officer; the Director of Public Infrastructure (or in their absence, the Engineering Division Manager); one member ~~of the Finance Committee~~ of the Common Council nominated by the Common Council and approved by the Common Council; one appointed City official (or in their absence, their official designee); and four citizen members who are not elected or appointed City officials. The citizen members shall be persons of recognized experience and qualification. Unless otherwise noted, all members shall be appointed by the Mayor and approved by the Common Council. Members of the Commission shall be appointed to hold office for a period of three 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. The City Planner or, in the absence of the City Planner, the Community Development Director, shall serve as staff to the Commission and act as its secretary. The Mayor shall act as chair and be a voting member of the Commission. ~~The Commission may elect a vice-chair annually at its first regularly scheduled meeting in January.~~ The Alderperson representative shall act as vice-chair. A member of the Plan Commission who is elected by the Commission shall serve as second vice-chair. This election will take place annually at the May Plan Commission meeting."

Section 4. Section 3.070 is amended to read as follows:

"3.070 Board of Public Works. The Board of Public Works of the City of Manitowoc shall consist of the Mayor, City Attorney, Director of Public Infrastructure, ~~two members of the Public Infrastructure Committee (the chair and vice chair of the Public Infrastructure Committee shall have the option to accept the appointment prior to the appointment being filled by other members of said Committee), one member of the Finance Committee~~ three members of the Common Council, the Finance Director/Treasurer and the City Clerk/Deputy Treasurer. The City Clerk/Deputy Treasurer shall serve as secretary for the Board and in the absence of the City Clerk/Deputy Treasurer, the Deputy City Clerk may act as secretary. In the absence of the Director of Public Infrastructure, their designee may act as a member. In the absence of the Finance Director/Treasurer, the Comptroller may act as a member. In the absence of the City Clerk/Deputy Treasurer, the Deputy City Clerk may act as a member. (See Wis. Stat. § 62.14.)"

Section 5. Section 3.100(1) is amended to read as follows:

"3.100 Wastewater Treatment Facility Board. (1) Creation. There is hereby created a Wastewater Treatment Facility Board consisting of seven members. The Director of Public Infrastructure, or in the Director's absence their designee, and a member of the ~~Public Infrastructure Committee, the vice chair of the Public Infrastructure Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee,~~

Common Council, and they shall be ex officio members. There shall also be five citizen members. Two citizen members shall be designated as representing residential users. One member shall be designated as representing commercial users. Two members shall be designated as representing industrial users. Each of the citizen members shall serve a three-year term and be appointed pursuant to MMC 3.270.”

Section 6. Section 3.110 is repealed as follows:

~~“3.110 Recreation Board. (1) Creation. There is hereby created a Recreation Board, consisting of five members. One member shall be appointed by the Board of Education, one member shall be from the Parks and Recreation Committee of the Common Council, the chair of the Parks and Recreation Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and three members shall be citizens of the City of Manitowoc. The terms of the citizen members shall be for two years. Appointments shall be pursuant to MMC 3.270. The term of office of the member chosen by the Board of Education shall be determined by the Board of Education. The Board of Education shall also determine the procedure to elect its member.~~

~~No compensation or expenses shall be paid to members of the Recreation Board.~~

~~(2) Duties and Powers. The Recreation Board shall direct and supervise all forms of recreation in City parks, playgrounds and other properties which may be placed in its charge. Employees of the Recreation Department shall be under the direct supervision of the Director of Parks and Recreation under the general supervision of the Recreation Board. All nonsupervisory employees of the Recreation Department shall be hired and discharged by the Board on recommendation of the Director of Parks and Recreation.~~

~~Funds appropriated by the Common Council for recreational purposes shall be disbursed under the supervision of the Recreation Board according to its best judgment.~~

~~(3) Rental Fees of Park and Recreation Areas and Facilities. The Recreation Board shall determine the fees for all park and recreation areas and facilities under its jurisdiction. This includes, but is not limited to, rental fees for Lincoln Park and Silver Creek fieldhouses and Lincoln Park cabins. A tax shall be charged on all of the prices where a tax is required to be charged by law. All bookings shall entitle the renter to use fieldhouses and cabins for the entire day and evening until 11:00 p.m. These closing hours may not be changed except by prior written approval of the Recreation Board.”~~

Section 7. Section 3.130 is repealed as follows:

~~“3.130 Safety, Traffic and Parking Commission. (1) Creation. There is hereby created the Manitowoc Safety, Traffic and Parking Commission. The Commission shall consist of seven voting members: the Chief of Police or designee, the Director of Public Infrastructure or designee, a member of the Public Safety Committee of the Common Council, and four citizen members. The citizen members shall serve for staggered three-year terms. Citizen members shall be appointed pursuant to MMC 3.270.~~

~~(2) Powers and Duties. The Commission shall have the power and duty to investigate, advise and report to the Mayor and Common Council any suggestions and recommendations regarding the safety and convenience of the public on the streets of the City. The Commission is also empowered to take steps to educate the public on the importance of safety and to publicize safety precautions. The Commission may make recommendations to the Common Council regarding public parking facilities and the handling of traffic in the City of Manitowoc. The Common Council may assign additional duties to the Safety, Traffic and Parking Commission.~~

~~(3) Organization. The Commission shall choose a chairman and secretary on an annual basis. The secretary shall keep minutes of the Commission’s meetings and make reports to the Common Council.~~

~~The annual meeting of the Safety, Traffic and Parking Commission shall be held in January. The Commission may schedule additional meetings. Five members of the Commission shall constitute a quorum. The Commission is empowered to establish additional by-laws for the governing of its meetings.”~~

Section 8. Section 3.160(3)(e) is amended to read as follows:

~~“3.160 Community Development Authority. (3) Composition and Procedures of Community Development Authority. (e) Officers. The Community Development Authority shall annually elect a chairperson and vice-chairperson from among the commissioners. The City Planner Community Development Director shall not be a member of the Community Development Authority but shall act as its executive director. The City Planner Community Development Director~~

shall be the chief administrative officer of the Authority and shall direct, manage and supervise administrative operations and technical activities. He shall serve as the secretary of the Authority and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated by the Authority. The ~~City Planning Community Development~~ Department shall assist in performing duties required by the Community Development Authority.”

Section 9. Section 3.170(1) is amended to read as follows:

“**3.170 Zoological Board. (1) Creation.** There is hereby created a Zoological Board which consists of the following seven members: a member of ~~the Parks and Recreation Committee of the Common Council, the vice chair of the Parks and Recreation Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee,~~ one member to be appointed by the Manitowoc Fish and Game Protection Association, one member to be appointed by the Izaak Walton League of the City of Manitowoc, and four residents of the City to be appointed annually pursuant to MMC 3.270. No salary or compensation shall be paid to members of the Zoological Board.”

Section 10. Section 3.190(1) is amended to read as follows:

“(1) **Creation.** There is hereby created a Municipal Tree Commission which shall have the powers provided under Wis. Stat. § 27.09. The Commission shall consist of five members: one member of the Manitowoc Common Council Parks and Recreation Committee ~~(alderperson),~~ and four residents of the City to be appointed to a two-year term pursuant to MMC 3.270. No salary or compensation shall be paid to members of the Municipal Tree Commission.”

Section 11. Section 3.200(1)(b) is amended to read as follows:

“**3.200 Cemetery Commission. (b) Appointment/Term.** The commissioners shall be appointed by the Mayor with confirmation of the Common Council. One of the commissioners shall be ~~an alderperson from the Public Infrastructure Committee and shall serve during his/her term of office as Council member of the Common Council.~~ One member shall own and operate a business within the City of Manitowoc. All members shall be residents of the City of Manitowoc. The first appointments of the six remaining non-Council members shall be for the following terms: two commissioners for a period of one year, two commissioners for terms of two years and one each for terms of three and four years. Thereafter, the terms of the non-Council members shall be four years and until their successors are appointed and qualify. Appointments of the non-Council members shall be pursuant to MMC 3.270. Vacancies shall be filled for any unexpired term as provided in this subsection. In the event there is a vacancy in the Commission, the Commission shall request of the Mayor to appoint a person to fill the balance of the term for the vacant position.”

Section 12. Section 3.210(1) is amended to read as follows:

“**3.210 Transit Commission. (1)** There is hereby created the Manitowoc Transit Commission. The Commission shall consist of seven voting members: A member of ~~the Licensing, Permits and Inspections Committee shall serve as the representative of the Common Council. The~~ and six citizen members shall be appointed pursuant to MMC 3.270.”

Section 13. Section 3.270(1) is amended to read as follows:

“**3.270 Appointments. (1)** Except as otherwise specifically provided, appointments to City boards, commissions, and other governmental bodies shall be made by the Mayor at the first regular Common Council meeting in May of the year in which the particular term expires. Such appointments shall be confirmed or rejected by the Common Council by the second regular Common Council meeting in ~~May~~ June. In case of rejection, the Mayor shall nominate another appointee as soon as possible, and submit the same to the Common Council for its consideration.

The terms for members of City boards, commissions, and governmental bodies to which this section applies shall commence at noon on June 1st and terminate at noon on June 1st of the year in which the term expires or until a successor qualifies. Any vacancies shall be filled for the duration of the unexpired term in the manner provided for herein.

The provisions of this section shall apply to the following boards, commissions and governmental bodies, as well as any other governmental bodies specified by the Mayor and Common Council:

(a) Harbor Commission (MMC 3.040).

- (b) Wastewater Treatment Facility Board (MMC 3.100).
- ~~(c) Recreation Board (MMC 3.110).~~
- (d) Rahr-West Art Museum Board (MMC 3.120).
- ~~(e) Safety, Traffic and Parking Commission (MMC 3.130).~~
- (f) Industrial Development Corporation (MMC 3.140).
- ~~(g) Citizens Physical and Sensory Disability Commission (MMC 3.150).~~
- (h) Community Development Authority (MMC 3.160).
- (i) Citizens Advisory Committee (MMC 3.330).
- (j) Committee on Aging (MMC 3.340).
- (k) Transit Commission (MMC 3.210).
- (l) Zoning Board of Appeals (MMC 15.550).
- (m) Building Board of Appeals (MMC 16.050).
- (n) Municipal Tree Commission (MMC 3.190).
- (o) Cemetery Commission (MMC 3.200)."

Section 14. Section 3.320 is amended to read as follows:

"3.320 Code Review Committee. There is herewith created a Code Review Committee to make recommendations for the improvement of building, electrical and plumbing codes and code enforcement. Such Committee to be composed of an architect, a home builder, a plumbing contractor, an electrical contractor, a real estate broker, and two members of the Licensing, Permits and Inspections Committee, ~~the chair of the Licensing, Permits and Inspections Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and a member of the Public Infrastructure Committee~~ of the Common Council. The citizen members shall be appointed by the Mayor, subject to confirmation of the Common Council, for terms of three years. Terms shall be from 12:00 a.m. on January 1st until 12:00 a.m. on the January 1st three years later, ~~except that for the appointments made in December 2010, the Mayor shall designate one member to serve for one year, two members to serve for two years and two members to serve for three years.~~ All persons shall serve until a successor qualifies. Vacancies shall be filled for an unexpired term only. The Mayor shall nominate members for the Code Review Committee at the ~~first~~ Council meeting in ~~December~~ November of each year and the Council shall accept or reject the recommendations at the ~~second~~ meeting of the Council in December of each year. In case of rejections, the Mayor shall make alternate nominations as soon as practicable. No person shall serve unless approved by the Council. The following City employees are herewith appointed advisors to the Committee: City Attorney, Plumbing Inspector, Electrical Inspector, Director of Public Infrastructure, City Planner, Fire Chief, Police Chief and the Building Inspector."

Section 15. Section 3.340 is amended to read as follows:

"3.340 Committee on Aging. There shall be created a Committee on Aging consisting of eight members to be appointed by the Mayor and confirmed by the Common Council for three-year terms pursuant to MMC 3.270. The Committee shall recommend to the Common Council a director for the Committee on Aging who shall serve for a three-year term under the direction of the Director of ~~Parks and Recreation~~ Public Infrastructure. The salary of said director shall be set by the Common Council. The director shall administer the programs as recommended by the State and Federal Government Committee on Aging."

Section 16. Section 3.420 is amended to read as follows:

"3.420 Aldermen- Alderpersons.

(1) There shall be one ~~alderman~~ alderperson for each aldermanic district of the City of Manitowoc. ~~Aldermen~~ Alderpersons shall be elected for a term of two years.

(2) The ~~aldermen~~ alderpersons shall be elected from the fourth, fifth, sixth, eighth and ninth aldermanic districts in the spring of each even-numbered year. The ~~aldermen~~ alderpersons shall be elected from the first, second, third, seventh and tenth aldermanic districts in the spring of each odd-numbered year."

Section 17. Section 3.460(5) is repealed as follows:

"3.460 Finance Director. ~~(5) The Finance Director shall appoint the Deputy Finance to perform the duties of Deputy Treasurer pursuant to Wis. Stat. § 62.09(9)(f) and the duties of the Deputy Comptroller pursuant to Wis. Stat. § 62.09(10)(h)."~~

Section 18. Section 3.470 is amended to read as follows:

~~“3.470 Director of Public Infrastructure Works and City Engineer.~~ There is hereby created the office of Director of Public ~~Infrastructure Works Works and City Engineer~~, who shall be responsible for all matters relating to construction, management, maintenance and operation of the physical properties of the City, ~~except that the Director of Building Inspection should be responsible for the City Hall and Safety Building. The Common Council may make additional exceptions.~~ ~~The Director of Public Works and City Engineer shall appoint a subordinate whose title shall be Deputy Director of Public Works and who shall be a graduate civil engineer, and who shall be in charge of the Recreation Division, the Parks Division, the Department of Public Works and the Senior Center, and Maritime Metro Transit. The Director of Public Infrastructure is authorized to purchase small animals for the Manitowoc Lincoln Park Zoo as the zoo budget allows.”~~

Section 19. Section 3.480 is amended to read as follows:

“3.480 City Attorney. The City Attorney shall be appointed by the Common Council for an indefinite term. In addition to other duties, it shall be the duty of the City Attorney to keep the Municipal Code in a currently revised form.

Pursuant to Wis. Stat. § 62.115, the City Attorney is hereby authorized to defend actions brought against any officer or employee of the City of Manitowoc, or of any City board or commission, growing out of any acts done in the course of employment, or out of any alleged breach of duty as such officer or employee, excepting actions brought to determine the right of such officer or employee to hold or retain his or her office or position, and except actions brought by the City of Manitowoc against any officer or employee thereof.

The City Attorney may appoint an assistant to handle prosecution of ordinance violations and such other duties as may be assigned by the City Attorney. The salary for the ~~Assistant City Staff~~ Attorney shall be determined by the Common Council.”

Section 20. Section 3.150 is amended to read as follows:

“There is hereby created the office of Fire Chief, who shall have such duties as prescribed by the Wisconsin Statutes and the Common Council. The Fire Chief shall be appointed as provided in Wis. Stat. § 62.13. The Fire Chief shall be responsible for the duties of the Director of Building Inspection.”

Section 21. Section 3.520 is amended to read as follows:

“3.520 ~~City Planner~~Community Development Director. There is hereby created the office of ~~City Planner~~Community Development Director., who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council.”

Section 22. Section 3.560 is repealed as follows:

~~“3.560 Director of Parks and Recreation.~~ ~~There is hereby created the office of the Director of Parks and Recreation, who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. The Director of Parks and Recreation shall be in charge of the Recreation Department, the Parks Division of the Department of Public Works and the Senior Center. The Director of Parks and Recreation is authorized to purchase small animals for the Manitowoc Lincoln Park Zoo as the zoo budget allows.”~~

Section 23. Section 12.010(2) is amended as follows:

“12.010 Manitowoc Public Utilities Commission.

(2) Composition and Terms. The Commission shall consist of seven commissioners. Five commissioners shall be citizens of the City who shall be elected by the Common Council for a five-year term beginning on the first day of October. Existing commissioners shall serve the remainders of their present terms of office.

The Mayor and a member of the ~~Finance Committee, the chair of the Finance Committee shall have the option to accept the appointment prior to the appointment being filled by another member of~~

~~said Committee, and they~~ Common Council, appointed by the Mayor and approved by the Common Council, shall serve on the Commission as ex officio members.

In the case of a vacancy on the Commission, other than an ex officio member vacancy, the Common Council shall ~~appoint~~ elect a commissioner to fill the vacancy for the remainder of the term.”

Section 24. Section 27.010(1) is amended as follows:

“**27.170 Cable Television Commission. (1) Creation.** The Mayor, subject to the approval of the Common Council, shall appoint members to a Commission to be known as the Cable Television Commission. The Mayor and a member of the ~~Licensing, Permits and Inspections Committee of the Common Council, the chair of the Licensing, Permits and Inspections Committee shall have the option to accept the appointment prior to the appointment being filled by another member of said Committee, and they~~ shall be ex officio members of the Commission. The Commission shall consist of six additional members who shall serve for four-year terms.”

Section 25. This ordinance shall take effect the day after publication.

Introduced _____

Adopted _____

Approved _____

Justin M. Nickels, Mayor

Drafted by City Attorney Kathleen M. McDaniel

Fiscal Impact:	\$0
Funding Source:	n/a
Finance Director Approval:	/sc
Approved as to form:	/kmm