

Finance
3-16-2020

20-0233

ORDINANCE

An Ordinance to amend Chapter 3 of the Manitowoc Municipal Code regulating boards, committees, and commissions.

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

Section 1. Section 3.170 is repealed in its entirety:

~~“ 3.170 **Repealed.** (1) **Creation.** There is hereby created a Zoological Board which consists of seven members, nominated by the Mayor and confirmed by the Common Council. Members of this Board shall have business knowledge, marketing skills, zoo operations experience, knowledge of wildlife, or other skills required to benefit such a Board. One member shall be a member of the Common Council, one member shall be appointed by the Manitowoc County Fish and Game Protective Association, one member shall be appointed by the Northeastern Wisconsin Great Lakes Sport Fishermen, Inc., and up to four “at large” wildlife enthusiasts of Manitowoc County. Members may not authorize another person to act for them by proxy. The City of Manitowoc’s Director of Public Infrastructure shall designate a Recording Secretary. The members of this Board shall serve without pay, but may be entitled to reimbursement for their actual and necessary expenses including local travel expenses included in the discharge of their duties.~~

~~(2) **Terms and Appointments.** Members of the Zoological Board shall serve four-year terms. In the case of early vacancy of a member, there shall be a replacement selected to fill the remainder of the retired member’s term. Persons who are appointed to fill vacated seats shall hold such seat for the balance of the term of the person who vacated the seat.~~

~~(3) **Membership Structure, Elections and Quorum.** The Zoological Board shall have a Chairman and a Vice Chairman. The Director of Public Infrastructure for the City of Manitowoc shall be advisory to the Board and shall be responsible for the agenda, minutes and forwarding appropriate items to Public Infrastructure Committee. The Chairman and Vice Chairman shall be elected at the first meeting held by the Board after adoption of these by-laws. Thereafter, there shall be elections every year to select a new Chairman and Vice Chairman. The members shall be allowed to re-elect the current Chairman and Vice Chairman for consecutive terms. Four members in attendance at a Zoological Board Meeting shall constitute a quorum.~~

~~(4) **Duties.** The Chairman shall officiate all regular and special meetings, and may call special meetings of the membership as a whole, at his discretion, when deemed necessary. The Vice Chairman shall assist the Chairman at all regular and special meetings and shall assume the duties of the Chairman in his absence. The Director of Public Infrastructure shall provide a Recording Secretary to keep an accurate record of proceedings of all regular and special meetings. The Recording Secretary shall formulate meeting agendas, record and distribute meeting minutes, maintain a record of membership and membership terms, request the Mayor’s appointment of members, notify members of meeting dates and times, and shall handle actions voted on by the Board.”~~

Section 2. Section 3.200 is repealed in its entirety:

“3.200 Cemetery Commission. Repealed.

~~(1)(a) **Creation.** There is hereby created the Cemetery Commission. The Commission shall consist of seven members:~~

~~(b) **Appointment/Term.** The commissioners shall be appointed by the Mayor with confirmation of the Common Council. One of the commissioners shall be a 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.~~

~~A certificate of appointment of a commissioner shall be filed with the City Clerk and shall be conclusive evidence of the due and proper appointment of such commissioner.~~

~~(c) Officers. The Cemetery Commission shall annually elect a chairperson and vice chairperson from among the commissioners. The Director of Public Infrastructure shall not be a member of the Cemetery Commission but shall act as its director. The Director of Public Infrastructure shall be the chief administrative officer of the Commission and shall direct, manage and supervise administrative operations and technical activities. The Director of Public Infrastructure shall serve as the secretary of the Commission and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated by the Commission. The Director of Public Infrastructure for the City of Manitowoc shall be responsible for the agenda, minutes and forwarding of the appropriate items to the Public Infrastructure Committee. The City Engineering Department and Cemetery Division shall assist in performing duties required by the Cemetery Commission.~~

~~(d) Compensation. The commissioners shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary expenses, including local travel expense included in discharge of their duties.~~

~~(e) Meetings, Quorum and By-Laws. All meetings of the Cemetery Commission shall be held in compliance with the provisions of the open meeting law of the State of Wisconsin. Four commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Cemetery Commission upon the affirmative vote of a majority of the commissioners present at any meeting. The Cemetery Commission may adopt and from time to time amend or repeal such by-laws or other rules or regulations not inconsistent with the applicable laws and this section as it deems necessary in the performance of its functions and duties. Meetings shall be conducted in accordance with "Robert's Rules of Order." Members may not authorize another member to act by proxy.~~

~~(f) Budget and Annual Report. An annual budget, if any, shall be prepared by the Cemetery Commission, which budget shall be subject to the approval by the Public Infrastructure Committee and Common Council. The Cemetery Commission shall also prepare and file with the Mayor, Public Infrastructure Committee and Common Council a report of its activities for the preceding calendar year on or before February 15th of the following calendar year. All minutes and records associated with the Cemetery Commission shall always be open for examination by the Commission members. All records and minutes shall be maintained in accordance with the applicable State, Federal and local law.~~

~~(2) Cemetery Commission — Duties. It shall be the duty of the Cemetery Commission members to ensure financial stability, formulate plans for infrastructure improvements, propose marketing ideas, and positively influence growth and prosperity of the City-owned cemeteries. All matters acted on by the Cemetery Commission that directly or indirectly impact personnel, financial issues, infrastructure development, budgetary status, marketing of the cemeteries, or overall improvements shall be brought before the Public Infrastructure Committee for action and, if necessary, referral to the Common Council.~~

~~The Cemetery Commission shall have no authority to take any action or act that may conflict with Chapter 8 MMC or Wis. Stat. Ch. 157 as both the code and Statutes may be amended from time to time.~~

~~In addition to the foregoing powers, duties and functions of the Cemetery Commission, it shall have such other powers, duties and functions related to the City's cemeteries as are conferred upon the Commission by the Common Council from time to time."~~

Section 3. Section 3.330 is amended to read as follows:

"3.330 Citizens Advisory Committee.

There is hereby created a Citizens Advisory Committee which shall be composed of twelve members representing a cross-section of citizens of the City of Manitowoc. It shall be the duty of this Committee to advise the Common Council about local issues and to make recommendations which address such issues. The term of members appointed to the Citizens Advisory Committee shall be three years. Appointments shall be made as prescribed in MMC 3.270."

Section 4. This ordinance shall take effect the day after publication.

MAR 16 2020

INTRODUCED _____ ADOPTED _____

Justin M. Nickels, Mayor

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

This resolution was drafted by Kathleen M. McDaniel, City Attorney

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Boards, Commissions, and Committees.docx