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CHAPTER 3

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3.01 ORGANIZATION UNDER MAYORAL PLAN. The government of the City of Stevens Point, organized and constituted under Chapter 62 of the Wisconsin statutes, provides for the city mayor and aldermanic plan with a common council composed of eleven (11) alderpersons, one from each ward except for wards eight and twelve which shall be represented by one alder person.

3.02 MAYOR. The mayor shall be the chief executive officer of the city and shall have such powers and duties as are prescribed in section 62.09(8) of the Wisconsin statutes or as prescribed by ordinance.

3.03 COMPTROLLER-TREASURER. It shall be the duty of the city comptroller- treasurer to collect and account for all taxes, license monies, fees, accounts, or charges due or owing the city, and to perform such other duties and powers as are required by section 62.09(9) and (10) of the Wisconsin statutes or as may be prescribed by ordinance of the common council.

3.04 CITY CLERK. The city clerk shall serve as clerk of the common council and be responsible for the publication, filing, indexing and safekeeping of all proceedings of the common council. The clerk shall be responsible for all election duties as required by the laws of the State of Wisconsin and shall keep and maintain all election records and be responsible for all property used in connection with the holding of elections. He/she shall publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office, and other documents not required to be filed elsewhere. The clerk shall issue all licenses required by ordinance or state statute except as otherwise provided. The clerk shall be the custodian of the official seal and shall notify the appointing authority or any board or commission thirty (30) days prior to the expiration of the term of office of any member thereof. The clerk shall serve as custodian of the city hall.

3.05 CITY ATTORNEY. The city attorney shall be responsible for the conduct of all legal services of the city and shall serve as legal advisor to the council, the mayor, and all departments and offices of the city. He/she shall be in charge of the prosecution of all cases arising out of the violation of the provisions of the city ordinances. The city attorney shall represent the city in matters in which the municipality is interested before any court or tribunal and shall perform such other duties as may be required by the mayor or council. It shall be the duty of the city attorney to call to the attention of the mayor and council all matters of law affecting the city.

3.06 ALDERPERSON. The term of office of alderperson shall be for two (2) years. The alderpersons from the even numbered wards shall be elected in the regular spring election held in the even numbered years and those from the odd numbered wards in the odd numbered years. They shall take office the third Tuesday in April.

3.07 TERM OF OFFICE - ELECTED OFFICIALS. All elected officials, with the exception of the alderpersons, shall serve four year terms. The mayor shall serve a four year term commencing in 1971, to be elected every four years thereafter. The comptroller/ treasurer, city clerk, and city attorney shall serve four year terms

commencing in 1973, to be elected every four years thereafter. All such elected officials shall be elected in the spring election, held the first Tuesday of April. The mayor shall assume office on the third Tuesday in April, and the remaining three officials on May 1 of the year of their election.

3.08 TERM OF OFFICE - APPOINTIVE OFFICIALS

The following officials shall be appointed by the mayor and confirmed by the common council for two year terms commencing January 1, 1975 and ending December 31, 1976, and every two years thereafter until December 31, 2016.

Director of Community Development
Director of Parks & Recreational Services
Director of Public Works

Commencing on March 20, 2015, vacancies in the following positions shall be filled via appointment by the mayor and confirmation by the common council. The term of such appointments shall be indefinite, as shall be the appointments of persons serving in such capacity as of January 1, 2015. Such officials shall be subject to probationary periods, discipline, and termination according to the applicable portions of the City of Stevens Point Administrative Policies.

Director of Community Development
Director of Parks & Recreational Services
Director of Public Works
Director of Public Utilities and Transportation

3.09 CITY ASSESSOR.

(1) It shall be the duty of the city assessor to perform all work in the assessing of property and the preparation of all assessments as required by state law.

(2) Whenever the assessment of any real property shall be increased over the assessment of the same property for the previous year, the city assessor shall cause written notice to be mailed to the owner of the property setting forth the amount of such increase, which notice shall be mailed not more than ten (10) days after the assessor certified the tax roll to the city clerk.

(3) The assessor shall be elected by the common council for a two year term, commencing January 1, 1975 and ending December 31, 1976, and every two years thereafter.

(4) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law: in the discharge of duties imposed by

office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

3.10 APPOINTMENT AND CONFIRMATION - APPOINTIVE OFFICIALS. A majority of all the members elect of the common council shall be necessary to confirmation of an appointment made by the common council or to confirmation of an appointment made by the mayor. On a vote of confirmation by the common council, the vote shall be by ayes and nays.

3.11 OATHS OF OFFICE. Every person elected or appointed to an office shall take and file his/her oath of office with the city clerk within ten days after notice of the respective election or appointment.

3.12 VACANCIES.

(1) In Elective Offices. Vacancies in elective offices shall be filled as follows, except as provided in Chapter 17 of the Wisconsin statutes.

Mayor - by appointment by the common council.

Aldersperson - by appointment by the common council.

Elective offices - all other elective offices shall be filled by appointment by the mayor and put to the confirmation of the common council.

(2) Tenure of Office. A person so appointed shall hold office until a successor is elected and qualified. The successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in the event it happens ninety (90) days or more before such day, but if such vacancy occurs less than ninety (90) days before such first Tuesday of April, such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

(3) In Appointive Offices. Vacancies in appointive offices shall be filled by the appointing power in the manner prescribed by law for making regular full term appointments.

(4) Vacancies, When Occurring. See Chapter 17 of Wisconsin Statutes.

3.13 ASSISTANTS/DEPUTIES. The office of city assessor, city attorney, city clerk, city comptroller-treasurer may appoint an assistant or deputy as set forth in the Wisconsin statutes. However, no such assistants shall receive compensation from the city unless previously provided by ordinance.

3.14 BOARD OF PUBLIC WORKS.

(1) There is hereby created for the City of Stevens Point, pursuant to section 62.14 of the Wisconsin statutes, a Board of Public Works which shall consist of the mayor, five (5) alderpersons, and one member of the public. The alderpersons and public member shall be appointed by the mayor at the organization meeting in April for a term of one year, subject to the confirmation of the common council. The public member shall be an adult resident of the City of Stevens Point, and preference shall be given to persons with relevant expertise and experience in subjects relevant to the purview of the Board.

(2) (2) Repealed.

3.15 DEPARTMENT OF PUBLIC WORKS.

(1) There is hereby created for the City of Stevens Point a department of public works which shall have charge of the supervision and control of:

(a) The construction, operation and maintenance of all streets, sidewalks, public alleys, bridges, viaducts, highways, parking lots, rights-of-way, including the placement and operation of signs, signals, meters, and lighting fixtures.

(b) The control, management, and supervision of all city shops and garages, including all equipment and vehicles.

(c) The making of all necessary surveys, maps, public works plans, drawings, and other documents.

(d) The preparation of contract drawings, specifications and cost estimates for all public works construction and maintenance and the supervision of such construction, including field inspection.

(e) The collection and disposal of all rubbish and garbage and the cleaning of all streets and alleys, including snow removal operations.

(f) The administration and maintenance of all public buildings.

(2) Exceptions: The provisions of this ordinance shall not be applicable to the activities of the fire department, the Stevens Point Community Development Authority, the Stevens Point Housing Advisory Committee, the board of water and sewerage commissioners, and the board of park commissioners, except public construction in excess of statutory limits.

3.16 DIRECTOR OF PUBLIC WORKS. The director of public works shall be under the supervision of the board of public works and shall perform such duties as are prescribed by the common council and the board from time to time.

3.17 CITY ENGINEER.

(1) The city engineer shall perform all engineering services for the department and for such other departments of the city as may be required. The supervision of all construction work undertaken by the city shall be furnished by the city engineer except as otherwise ordered by the mayor.

(2) All water and other public service mains shall be laid to a line and grade given or approved by the city engineer, and the laying of mains and location of valves and hydrants shall be directed or approved by the city engineer.

(3) The city engineer shall have power to engage such clerical and other assistance as he/she shall deem necessary, subject to the approval of the mayor, and subject to approval by the common council.

(4) No other or additional engineering service shall be employed by any city department without consent duly obtained from the mayor subject to approval by the common council.

3.18 CITY PLAN COMMISSION.

(1)

(a) How constituted. The City Plan Commission shall consist of the Mayor, an alderperson and five (5) citizens so that the commission shall at all times consist of seven (7) members. Citizen members shall be persons of recognized experience and qualifications. They shall have no compensation for services on the commission.

(b) All members of the Commission shall be appointed by the Mayor who shall also choose the presiding officer. Appointments to the City Plan Commission shall be subject to confirmation by majority vote by all members of the Common Council.

(c) Appointments shall be made by the Mayor during the month of April for terms of three years, expiring in April or at any other time if a vacancy occurs during the middle of a term. The Mayor and alderperson appointed shall serve as an "ex officio member" and their three-year terms shall cease upon their vacation of office at which time the Mayor shall appoint a successor alderperson to such position.

(2) Duties. The functions and duties of the commission shall be as follows: 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.

The commission may recommend to the mayor or council, programs for public improvements and the financing thereof. 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 marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(3) Matters referred to the Commission. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body, or officer, the following matters:

The location and architectural design of any public building.

The location of any statute 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 way, 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 of the Wisconsin statutes.

The location, character, extension or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion.

The amendment or repeal of any ordinance adopted pursuant to this section.

(4) The commission shall have such further duties and functions as are prescribed by the common council and by section 62.23 of the Wisconsin statutes.

3.19 COMMUNITY DEVELOPMENT AUTHORITY. REPEALED 12-16-2013

3.20 DIRECTOR OF COMMUNITY DEVELOPMENT. The director of community development shall be under the direction and supervision of the mayor and common council.

3.21 HOUSING ADVISORY COMMITTEE. REPEALED 12-16-2013

3.22 BUILDING INSPECTOR. There is hereby created the office of city building inspector who shall have the powers and duties as outlined in section 62.23(9)(a) of the Wisconsin statutes. The building inspector shall also have the powers and/or supervision of the electrical inspector, plumbing inspector, housing inspector, weed commissioner and zoning administrator and shall be the administrative head of the inspection department.

3.23 ELECTRICAL INSPECTOR. There is hereby created the office of electrical inspector whose duties, powers and qualifications are prescribed in section 19.02 of this code.

3.24 PLUMBING INSPECTOR. There is hereby created the office of plumbing inspector whose duties, powers and qualifications are prescribed in section 18.03 of this code.

3.25 WEED COMMISSIONER. The mayor may appoint annually a commissioner of weeds who shall have the power to investigate and order noxious weeds and quack grass ten inches high or over destroyed as required by section 94.02 of the Wisconsin statutes and chapter 21.03 of this code.

The weed commissioner shall, after having given five (5) days written notice to the property owner, cause all such weeds to be destroyed and charge the cost to the property owner.

3.26 ZONING ADMINISTRATOR. There is hereby created the office of zoning administrator whose duties, powers and qualifications are prescribed in section 23.03 of this code.

3.27 BOARD OF PARK COMMISSIONERS.

(1) There is hereby created for the City of Stevens Point, pursuant to section 27.08 of the Wisconsin statutes, a board of park commissioners, whose duty it shall be to determine policies concerning the operation of the parks and recreation facilities, subject to the approval of the common council.

(2) Members and Terms. The board of park commissioners shall consist of eleven members, three of whom shall be alderpersons, appointed by the mayor, subject to confirmation by the common council, for terms of three (3) years each, commencing on the first Monday in May of the year of appointment. Appointments shall be made annually in such a manner that three members shall be appointed each year.

(3) Organization of Board. The board shall meet and elect a chairman and vice-chairman and perfect the organization thereof as such board may determine and shall adopt rules and regulations from time to time. The board shall appoint a secretary who shall keep written minutes of all board proceedings.

3.28 DIRECTOR OF PARKS & RECREATIONAL SERVICES. The director of parks and recreational services shall be under the direction and supervision of the mayor and common council and shall implement policy as determined by the board of park commissioners, in conjunction with the common council. The director shall also implement policy regulating the cable franchise as determined by the telecommunications commission, in conjunction with the common council.

3.29 BOARD OF POLICE AND FIRE COMMISSIONERS. The Board of police and fire commissioners for the City of Stevens Point shall consist of five (5) citizen members appointed by the mayor, three of whom shall constitute a quorum for purposes of conducting the business of the Police and Fire Commission of Stevens Point. The board shall have the powers and authority conferred under the provisions of Section 62.13 of the Wis. State statutes. Between the third Monday in April and the third Monday in May the Mayor shall annually appoint one person to a five year term on the Commission. No appointment shall be made which will result in more than three members of the Board belonging to the same political party. The board shall have

such powers, duties, and functions as are prescribed in Section 62.13 of the Wisconsin statutes for an optional power Police and Fire Commission.

3.30 POLICE CHIEF. The Chief of Police shall supervise the police department under the direction of the Police & Fire Commission. The chief is responsible for the department's governance, efficiency, and general good conduct. The chief shall perform all duties proscribed by the Constitutions of the United States and Wisconsin, by the laws of the state of Wisconsin and by the ordinances of this city. The Chief shall work cooperatively with the Administrative Director of the Police and Fire Commission. The Chief shall have general supervision thereof as outlined in Chapter 5 of this code.

3.31 FIRE CHIEF. The Fire Chief shall supervise the fire department under the direction of the Police & Fire Commission. The chief is responsible for the department's governance, efficiency, and general good conduct. The chief shall perform all duties proscribed by the Constitutions of the United States and Wisconsin, by the laws of the state of Wisconsin and by the ordinances of this city. The Chief shall work cooperatively with the Administrative Director of the Police and Fire Commission. The Chief shall have general supervision thereof as outlined in Chapter 6 of this code.

3.32 POLICE AND FIRE COMMISSION STAFF

(1) The Police and Fire Commission Administrative Director shall be appointed by the Police and Fire Commission and serve at its pleasure. The Director shall perform such assigned duties and tasks as outlined in the position description.

(2) The Police and Fire Commission Information Technology Network Administrator shall be appointed by the Police and Fire Commission and serve at its pleasure. The IT Administrator shall report to the Administrative Director and perform such assigned duties and tasks as outlined in the position description.

(3) The Administrative Assistant of the Police Department shall also serve as the Secretary to the Police and Fire Commission. This person shall perform those secretarial support duties assigned by the Commission and/or the Administrative Director. In the event this person is temporarily unable or unavailable to perform the assigned duties the Fire Department Administrative Assistant will perform the assigned duties.

(4) The Administrative Director shall be responsible for supervising and controlling the activities of those civilian personnel assigned to the City of Stevens Point Emergency Dispatch, Records Management, and Parking Control functions. A Police Department Lieutenant will be assigned to perform duties assigned by the Administrative Director.

3.33 POLICE AND FIRE COMMISSION RULES AND REGULATIONS

(1) The Police and Fire Departments shall plan and operate according to the Strategic Vision Plan of the Commission and each Department as originally approved and as may be amended in the future. The strategic vision plans, the mission statement, the ethics/values statement, and the rules and regulations of the Commission, and an employee's appropriate Department will be trained and reviewed annually with every Department employee. Failure to act according to the principles of these documents is grounds for disciplinary action including possible termination of employment based on the severity of the underlying offense.

(2) The Administrative staff of the Police and Fire Commission shall support the Police and Fire Departments by providing all necessary services required to facilitate the orderly functioning of the Departments. Such support to include but not limited to:

- a) Intake of all requests for emergency Fire, EMS, and/or Law Enforcement services.
- b) Prompt, efficient dispatch of the service requests to the appropriate agency(s).
- c) Information technology support of all ems, fire and law enforcement hardware, network, and software needs.
- d) Maintaining all official activity records generated in support of all ems, fire, and law enforcement activities.
- e) Directing and controlling all parking system activities by the civilian parking enforcement staff.

(3) The Director shall cause to be made and kept all records of Commission, Police Department, and Fire department proceedings as may be deemed necessary. These records shall be kept in electronic format in accordance with the standards and procedures established in Section 16.61(7), Wisconsin Statutes so that reproductions of such electronic records shall be deemed original records. Prior to the destruction of any police records, the State Historical Society shall be notified. Records created prior to January 2009 may be preserved from the original format either electronically or on microfilm and deemed as the best available original copy.

(4) The Police Chief and the Fire Chief, in the exercise of their duties, shall have the power to prescribe, promulgate, and enforce such rules and regulations as are deemed necessary for the efficient and effective operation of the Department. These rules shall be consistent with the Federal or State constitutions, the laws of the state, or the ordinances of the city. The written rules and regulations compiled, adopted, and published by the chief of police are hereby approved and shall be in force and effect until changed or amended by Chief or as directed by the Commission.

(5) Under provisions of Section 19.21 Wisconsin Statutes the Administrative Director shall support the chiefs of the two departments by causing to be kept and preserved such records as may be specifically provided by ordinance or deemed necessary by the Commission, and/or the Chiefs.

(6) The Chiefs and the Administrative Director shall report to the police and fire commission such information as the Commission may require.

(7) Each chief shall work with the Administrative Director to prepare and submit to the commission a budget for their Department for the City's next fiscal year. The Administrative Director shall prepare and submit a separate budget plan for all public safety functions under the Director's control. The draft budget will be presented to the Commission as part of the annual City budget process.

(8) When hiring new police officers, firefighter/paramedics, and/or civilian employees, the Chief of the affected Department and the Commission shall follow the procedures set forth in Section 62.13 Wisconsin State Statutes, city ordinances, and Commission Administrative rules and regulations.

(9) Neither the Chief nor the Commission shall discriminate or show bias against any class, race, and/or gender of person when hiring a new employee however veterans of the armed services may receive a hiring preference on their competitive examination.

(10) No member of the Police or Fire Department shall be considered for promotion unless he/she has a minimum of five (5) years prior service in law enforcement if a police officer or the fire service if a firefighter/paramedic, three of these years must be as an employee of the City of Stevens Point.

(11) All original appointments to the police and fire departments shall include an eighteen (18) month probationary period. This language is subject to modification based on language in existing collective bargaining agreements as of 05/01/2010.

(12) All promotional appointments shall include a twelve (12) month probationary period. This language is subject to modification based on language in existing collective bargaining agreements as of 05/01/2010.

(13) Achieving permanent appointment status is dependent upon the conduct of the appointee and their perceived fitness for duty, as indicated by the performance evaluation reports of the Departments' Training officers, Supervisors, and the Chief of the Department.

(a) At any time in the 18 month probation period an original appointee may be dropped from the service upon the recommendation of the Department Chief with the concurrence of the Police and Fire Commission.

(b) A promoted person will be returned to their previous rank if not recommended for permanent appointment upon the recommendation of the Department Chief with the concurrence of the Police and Fire Commission.

(14) All sworn members of the Police and Fire Departments must maintain a valid Wisconsin driver's license at all times during the course of their employment.

(15) Off-duty Police and Fire Department personnel may be required to return to duty to assist in the protection of life and property in support of their Department's mission.

(16) It shall be the duty of all persons in the City when called upon by any police officer or firefighter/paramedic to promptly aid the officers in the execution of their official duties.

3.34 TRANSPORTATION COMMISSION.

(1) There is hereby created a transportation commission which shall have the authority to operate, conduct, maintain, and otherwise supervise transportation systems operated by the City of Stevens Point and subject to review by and approval of the common council.

(2) The transportation commission shall have the authority to supervise and review the activities of other transportation systems operating within the City of Stevens Point, other than taxi cabs and limousines, and excluding all non-profit and government agencies that may operate vehicles for parallel purposes, subject to review by and approval of the common council.

(3) How Constituted. The commission shall consist of seven (7) members, two of whom shall be alderpersons. All members shall be appointed by the mayor and approved by the common council, one of whom shall be designated chairman by the mayor.

(a) The initial members of the commission shall consist of present members of the transit commission. Their initial term shall correspond with that granted to them as a transit commissioner. Thereafter, the term of office of each member appointed shall be three years.

(b) The two council members shall be appointed annually by the mayor and confirmed by the common council, which term shall expire on the third Tuesday in April of each year after appointment.

3.35 BOARD OF WATER & SEWERAGE COMMISSIONERS.

(1) That pursuant to Section 66.0805(6) and 66.0821 of the Wis. Stats., the Common Council of the City of Stevens Point shall exercise general control, and shall be responsible for the entire management and supervision and operation of the Water and Sewerage System. The governing body shall adopt such rules for the

control and operation of the system as may be necessary. It shall through its agents keep books of accounts and records as prescribed by the Wisconsin Public Service Commission.

(2) There is hereby created the position of Director of Public Utilities and Transportation who shall be appointed by the Mayor subject to confirmation by the Common Council. The Director shall have those duties and responsibilities as may be determined from time to time by the Common Council.

(3) There is hereby created an advisory board of Water and Sewage Commissioners which shall consist of five members appointed by the Mayor and approved by the Common Council for terms of five years each, so as to have one commissioner appointed each year. The term of each newly elected commissioner shall begin on the first day of October of the year of appointment.

(4) The commission shall choose from among their members a president and secretary and shall make recommendations to the Common Council on the operation of said utility.

(5) Each commissioner, with the exception of the President, shall receive as compensation a sum not to exceed \$500 per year. The President shall receive a sum not to exceed \$600 per year.

3.36 CITY MEMBER ON COUNTY SPACE AND PROPERTIES COMMITTEE. The mayor shall appoint one alderperson, or him/herself, subject to approval by the common council, to serve on the Portage County Space and Properties Committee. The member shall be appointed on the third Tuesday in April for a three (3) year term.

In the event the space and properties committee member ceases to be an alderperson, or mayor, during the three year tenure, the appointment shall lapse automatically and the mayor shall appoint a successor to complete the unexpired term.

3.37 QUALIFICATIONS - CITY OFFICERS, MEMBERS OF COMMISSIONS AND DEPARTMENT HEADS. Repealed by vote of the Common Council on 2-20-17 due to conflict with Wis. Stat. 66.0502.

3.38 BONDS TO BE FILED BY CITY OFFICERS. The amount of the bonds required by section 62.09(4)(b) of the Wisconsin statutes to be filed by certain city officers shall be as follows:

Comptroller/Treasurer. One hundred thousand dollars (\$100,000); provided, however, that the city comptroller/treasurer shall be exempted from giving any additional bond under the provisions of section 70.67(1) of the Wisconsin statutes, conditioned for the accounting and paying over according to law all taxes of any kind which shall come into his/her hands and which he/she is required to pay to the county treasurer and in lieu thereof the City of Stevens Point, Portage County, Wisconsin pursuant to the provisions of subsection (2) of section 70.67, Wisconsin

statutes, do hereby obligate the City of Stevens Point to pay, in the event the comptroller/treasurer shall fail to do so, all taxes of any kind required by law to be paid by such treasurer to the county treasurer.

3.39 SALARIES OF MAYOR, ALDERPERSON, ELECTED OFFICIALS. Salaries shall be as determined by the common council. That annual salary shall be payable in bi-weekly installments. Contact city clerk's office.

3.40 APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION.

(1) Appointment. There shall be five election officials at each polling place at each election, except that the number of election officials may be reduced or increased at the discretion of the clerk to no less than three nor more than eleven. Election officials shall be chosen in accordance with Section 7.30 of the Wisconsin Statutes. The officials of each ward shall elect a chairman from their midst at the first election after appointment.

(a) Greeters. The City Clerk is authorized to appoint one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

(2) Compensation. Election officials shall receive \$14.50 per hour. The official chosen as Chief Election Inspector in each District shall receive \$17.00 per hour. Election officials serving at nursing home facilities for voting by such residents prior to Election Day shall receive \$14.50 per hour. Any election official attending a school of instruction prior to an election shall receive compensation based on their position as outlined above.

(3) Shifts. The City Clerk is authorized to create 2 or more sets of officials to work at different times on Election Day, and may establish different working hours for different officials assigned to the same polling place as necessary. (created 1-18-16)

3.41 OPENING AND CLOSING OF POLLS. The polling places for all official elections in the City of Stevens Point, whether general, primary, or special, shall be opened at 7:00 o'clock in the morning and closed at 8:00 o'clock in the evening on election days; provided, however, that any voter awaiting his turn to vote, whether within the polling place or in the line outside the polling place at the time of the closing of the polls, shall be permitted to vote.

3.42 PENSION SYSTEM. For the purpose of establishing a permanent pension fund for eligible city employees the City of Stevens Point elects to accept the provisions of and be bound by Chapter 40 of the Wisconsin statutes, relating to the creation and operation of a municipal retirement system to be effective as of January 1, 1944. The provisions, terms, and conditions of said Chapter 40 are hereby incorporated herein by reference to the same force and effect as though said provisions, terms and conditions were herein set forth and enumerated.

3.43 PUBLIC RECORDS. Public records and information related to same shall be governed by Chapter 19, Subchapter II, Public Records and Property, of the Wisconsin statutes, and as may be amended from time to time.

3.44 DESTRUCTION OF RECORDS.

(a) City officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or any auditor licensed under Chapter 442, Wisconsin statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to section 16.61(3)(e), and then after such shorter period:

1. Bank statements, deposit books, slips and stubs.
2. Bonds and coupons after maturity.
3. Canceled checks, duplicates and check stubs.
4. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
5. Receipt forms.
6. Special assessment records.
7. Vouchers, requisitions, purchase orders, and all other documents pertaining thereto.
8. Financial reports other than annual financial reports.

(b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442, Wisconsin statutes, subject to state Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state Public Records and Forms Board pursuant to Section 16.61(3)(e), Wisconsin statutes, and then after such a shorter period, except that water stubs, receipts of current billings and customer ledgers may be destroyed after two years:

1. Assessment rolls and related records, including Board of Review minutes.
2. Contracts and papers relating thereto.
3. License and permit applications, stubs and duplicates.

(c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state Public Records and Forms Board pursuant to section 16.61(3)(e), Wisconsin statutes, and then after such a shorter period:

1. Correspondence and communications.
2. (Not used)
3. Oaths of office.
4. Reports of boards, commissions, committees, and officials duplicated in the common council proceedings.
5. Election notices and proofs of publication.
6. Voter record cards.
7. Officers' bonds.
8. Bicycle registrations.
9. Traffic accident reports and all other supporting records pertaining thereto, including witness statements, photographs, hit and run reports.
10. Police field interview/interrogation reports.
11. Police field warning and courtesy warning violation tickets and reports.
12. Bicycle violation tickets.
13. Parking and parking meter violation tickets and all other supporting records pertaining thereto.
14. Police telephone line tape recordings.
15. Tape recordings of statements to police.
16. Desk report of police activities.
17. Police radio logs.
18. Police departmental notices.
19. Police noise/disturbance records.
20. Police property inventory records.
21. Application, license, and permit records kept by the police department.
22. Student worker employment time records.
23. Police teletype message records.
24. Police vacant property reports.
25. Curfew warning reports.
26. Chemical test reports (breath, blood, urine) and all other supporting records pertaining thereto.
27. Police radar reports and all other supporting records pertaining thereto.
28. Police re-sentencing motion records.
29. School safety cadet records.
30. Police vehicle maintenance records.
31. Supporting statistical records for police monthly reports.
32. Employment applications.
33. Animal bite reports.
34. Noise, disturbance, loud party and related records.
35. Trial/hearing data and witness fee reports.
36. Parent/guardian permission records for fingerprinting of children.
37. Injunctions, restraining orders and related records which are copies of the original records.
38. Overnight parking registers.
39. Police car and radio assignment/check-out registers.
40. Police squad car check sheets.
41. Police (security/burglar) alarm and fire alarm records.

42. Police radio frequency tape recordings.
43. Video tape recordings kept by the police department.
44. Stolen property tickler records.
45. Dispatch case number assignment records.
46. Police training, score, test and related records which are outdated by obsolescence.
47. Probation and parole lists.
48. Inmate release notices.
49. Apprehension requests, missing person reports, and related records.
50. Vehicle inspection records.
51. Transient aid records kept by the police department.

(d) Unless notice is waived by the State Historical Society, at least 60 days notice shall be given the State Historical Society prior to the destruction of any record as provided by Section 19.21(4)(a), Wisconsin statutes.

(e) Any tape recordings of a governmental meeting of the city may be destroyed, erased, or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) Preservation through Microfilm. Any city officer, or the director of any department or division of city government may keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b), Wisconsin statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and subsections (4) through (6) of this ordinance.

(9) Severability. The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance.

3.45 TRAVEL EXPENSE. Any city official or employee attending any school, convention, or any meeting at which or for which the city pays any of the expenses, shall file an itemized verified statement of the expenses for which reimbursement is claimed with the auditor and when requested by the common council, shall furnish receipts or evidences of the payment of such expenditures. Unless such statements are filed and unless such evidences of expenditures or receipts are furnished when requested by the council, no reimbursement or payment of city funds of such expenditures shall be made.

3.46 OTHER BOARDS AND COMMISSIONS.

- (1) Board of Appeals. See City Zoning Ordinance.
- (2) Affirmative Action/Fair Housing Committee.
- (3) Historic Preservation/Design Review Commission.

(4) Canvassing Board. The Canvassing Board examines the Election Day records for completeness and accuracy and makes an official determination and certification of the outcome of the election. It shall be composed of the municipal clerk and two (2) other qualified electors of the municipality appointed by the clerk. The members of the board of canvassers shall serve 2-year terms commencing on January 1 of each even-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. The two (2) appointed members shall receive \$14.50 per hour.

3.47 TELECOMMUNICATIONS COMMISSION.

- (1) Telecommunication Commission Established.

(a) There is established a telecommunications commission composed of nine (9) persons with two (2) members representing local educational institutions, three (3) members representing the common council, and four (4) members representing the general public; all nine to be appointed by the mayor subject to approval by the common council. Of the six education and public representatives, three terms shall expire in even numbered years, and three shall expire in odd numbered years to provide continuity. Initially, the mayor shall make appointments of one or two years to achieve the staggered terms, and thereafter, appointments shall be for two year terms for the education and public representatives and one year terms for the common council representatives.

(b) In making recommendations for said commission, the mayor shall consider any applications submitted by interested persons as well as such other persons as may come to the attention of the mayor as being qualified. At least six of the members shall be cable subscribers.

(2) The telecommunications commission shall advise the city concerning the city's continuing regulatory jurisdiction over any franchise(s) granted under the Telecommunications Ordinance.

- (3) Organizational structure of the Telecommunications Commission.

(a) The telecommunications commission shall adopt such rules and regulations as are necessary to expeditiously conduct its assigned tasks. The commission shall have the power to elect its own officers, including a chairperson, assistant chairperson, and others as deemed necessary.

(b) The chairperson or his designee, shall be the commission official spokesperson in conducting business with franchisee(s), the common council and the mayor.

(4) Powers and Duties of the Telecommunications Commission. The duties of the telecommunications commission shall include the following:

(a) Investigate and recommend the resolution of disputes concerning franchise agreement(s) granted under the Telecommunications Ordinance.

(b) To investigate and recommend the resolution of disputes or disagreements between subscriber(s) and franchisee(s) when they are not able to resolve a dispute or disagreement.

(c) To review the completeness and adequacy of reports submitted to the city by franchisee(s) under the provisions of the Telecommunications Ordinance and such other correspondence as submitted to the city concerning the operation of telecommunications services so as to insure that the necessary reports are completed pursuant to the Telecommunications Ordinance.

(d) To work with the public and the media to assure that all records, rules and charges pertinent to the telecommunications service network in the city of Stevens Point are made available for inspection at reasonable hours upon reasonable notice.

(e) To confer with franchisee(s) and advise on the interconnection of the city's cable system with other cable and communication systems.

(f) To review and provide recommendations to the common council for selection of applicants for franchise under the provisions of the Telecommunications Ordinance.

(g) To the extent permitted by law, review rates charged by the franchisee(s) and provide recommendations to the Common Council.

(h) To adopt such rules and regulations as are necessary to insure that due notice is given to all parties concerning any hearing on any complaints to said commission and the hearings be held promptly in accordance with reasonable notice to all parties.

(i) To maintain a current file of all Federal Communications Commission state and local documents that pertain to telecommunications.

(j) The recommendations of the commission shall be forwarded to the common council for decisions.

(k) Request the funds it deems necessary to assist production and programming on the public access channels.

(l) Request the funds it deems necessary to assist the development of the Institutional Net.

(m) Have such other duties and responsibilities as the common council may assign to it.

(5) Regulatory Procedures.

(a) The telecommunications commission shall first consider any inquiry or proceeding requiring common council action, to be taken in regard to the telecommunications service network or franchise, whether upon application or request by the franchisee(s) or on its own motion, and shall submit such consideration, together with the commission's recommendation to the common council within thirty (30) days of the receipt of such request.

The time period for action by the common council on any commission recommendation may be extended by mutual agreement between the council and the requesting party. Any action by the common council on any commission recommendation shall be taken within sixty (60) days, including thirty (30) day notice of said action, inquiry, or proceeding published in the official newspaper having general circulation and a copy of said notice is served upon the franchisee(s). The franchisee(s) shall have an opportunity at the hearing to respond or comment in writing. Members of the public shall have an opportunity to respond or comment in writing on the proposed action and appear at said proceeding or hearing; however, such hearing or proceeding shall be set no later than ninety (90) days of the notice of hearing unless such time is extended by mutual agreement between the City and the Franchisee(s).

(b) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response, including response by the public, the person or persons in authority to whom such responses shall be addressed and such other procedures as may be specified by the common council. If a hearing is to be held, the public notice shall give the date, location, and time of such hearing. The Franchisee(s) is a necessary part to any hearing conducted in regard to its operation.

(6) In the event the city joins an area or regional telecommunications commission, the telecommunications commission shall exercise its powers and duties as a liaison body between that area or regional telecommunications commission and the common council.

3.48 BOARD OF REVIEW.

(1)

(a) The Board of Review of the City of Stevens Point shall consist of five (5) citizen members who shall be residents of the City and none of whom shall occupy any public office or be publicly employed.

(b) That there shall be appointed two (2) alternate members who shall serve in the event a City of Stevens Point Board of Review member is removed or unable to serve for any reason.

(2) Officers. The members of the board of review shall elect a chairman for each annual session thereof which said election shall be held at the first annual meeting of the board. The city clerk shall be the clerk of the board of review and shall keep an accurate record of all its proceedings and give the notices of meetings and adjournments as provided for by statutes.

(3) Compensation. The members of the board of review shall receive a salary of \$50.00 per day, or fraction thereof, that the board of review is in session.

(4) Objections to Valuations to be Written. No person shall be permitted to appear and make objection before the Board of Review of the City of Stevens Point as to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the clerk of the board of review prior to the adjournment of public hearings by the board. Such objections shall be submitted on forms approved by the Wisconsin Department of Taxation.

3.49 PERSONNEL COMMITTEE

(1) In addition to duties assigned elsewhere, the personnel committee shall have charge of all personnel matters arising under the Revised Municipal Code and shall be responsible for the direction of all personnel matters involving employees of the City of Stevens Point. The personnel committee shall, subject to confirmation by the council, prescribe rules and procedures for city employment, in addition to those specifically enumerated in this chapter. The committee shall consist of five (5) alderpersons appointed by the mayor and confirmed by the common council. Appointments shall be made annually at the reorganization meeting in April.

(2) Election, Certification, Decertification, Fact Finding and Mediation. The personnel committee shall direct the conduct on behalf of the City of Stevens Point of all proceedings involving the Wisconsin Employment Relations Commission relative to the election, certification, and decertification of collective bargaining units, including proceedings for the determination of the number of employees, type of bargaining unit, and eligibility of employees in the classified service, to participate in such elections and relative to fact finding proceedings and mediation; and shall also direct all the proceedings before courts or other governmental agencies involving personnel matters.

(3) Collective Bargaining. Collective bargaining with certified bargaining units shall be carried on by the personnel committee which shall adopt, and thereafter may amend, rules and procedures governing the conduct of such bargaining (not in conflict with any other existing ordinance of the city). Department heads and supervisory personnel shall not distribute to any city employee any written communication bearing upon the subject matter or program of such collective bargaining or other employment relations matters unless such communication shall

have the prior approval of the city attorney or labor negotiator designated by the common council.

(4) Agreement. The agreements reached at the conclusion of such collective bargaining shall be reduced to writing by the committee and submitted in the form of a proposed ordinance or resolution to the common council for its approval or rejection or modification.

(5) Enforcement. The city attorney is authorized to institute legal proceedings to prevent employees from continuing to engage in practices prohibited by or in violation of Chapter 3 of the Wisconsin statutes and to enforce any ordinance or resolution by the common council relative to agreements reached at the conclusion of collective bargaining procedures as provided for in (3) and (4) above.

(6) Public Hearing. Recognized city employee organizations shall submit their request to the common council which shall refer these matters to the personnel committee, which may then conduct a public hearing on the request and all interested persons may appear and state their views thereon.

(7) Employees Excluded from Recognized Bargaining Units. The mayor and personnel committee shall annually review the wages, hours, and conditions of employment of all employees not represented by recognized city employee organizations and submit their recommendations to the common council each year for the following year.

(8) The duties and responsibilities of the personnel committee and/or mayor as provided by this ordinance shall not prohibit the delegation of the implementation of such duties to a third party and/or personnel consultant. However, all final decisions concerning personnel matters shall be acted on by the personnel committee.

3.50 GRIEVANCE PROCEDURE

(1) Purpose. The purpose of this Policy is to set forth the procedure to be followed with respect to grievances by employees, union, and non-union. The terms of this Policy shall control unless another valid and enforceable grievance procedure exists in a collective bargaining agreement that applies to the matter.

This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure.

(2) Definitions. A grievance is defined as a dispute or misunderstanding regarding the actions of City officials with regard to the following:

- (a) Employee termination. "Termination" includes an involuntary end to employment but excludes a voluntary quit; a layoff or failure to be recalled from layoff at the expiration of any recall period; retirement; job abandonment such as "no-call, no-show," or failure to report to work; any workforce reduction activities; job transfer; action taken for failure to meet the qualifications of a position; action taken pursuant to an ordinance other than an ordinance specifically addressing employee discharge; death; or the end of the employment of a temporary, contract or part-time employee.
- (b) Employee discipline. "Discipline" includes verbal reprimands; written reprimands; and suspensions without pay. Discipline does not include action taken because of poor job performance, performance evaluations, performance improvement plans, or counseling (verbal or written) regarding job performance. Workplace safety. "Workplace safety" includes conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, environmental hazards, safety of physical work environment, personal protective equipment, and workplace violence.

(3) Preliminary Procedures.

(a) Preliminary Grievance Steps.

Step 1: Prior to filing a written grievance, employees should discuss any problem or complaint with his/her Immediate Supervisor to determine if the grievance can be resolved.

Step 2: If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the City Human Resource Manager no later than ten (10) calendar days from the date the employee first becomes aware of the termination, discipline, or workplace safety condition causing the grievance. The written grievance shall include: (1) a summary of the facts pertaining to the grievance and issue involved; (2) the date(s) the event(s) giving rise to when the grievance occurred; (3) a listing of all parties involved; (4) the remedy sought by the employee; and (5) the employee's signature and date. The City Human Resource Manager shall respond to the grievance in writing within ten (10) calendar days of receipt of the written grievance.

(b) Appeal to Personnel Committee.

Step 3: If the grievance is not resolved at Step 2, the employee may appeal a denial by filing a written appeal of the grievance with the Personnel Committee within ten (10) calendar days from receipt of the City Human Resource Manager's decision. The Personnel Committee shall meet with the parties to discuss the matter. Within ten (10) calendar days

of the meeting, the Personnel Committee shall issue a written decision sustaining or denying the grievance.

(a) Hearing Officer Proceedings.

(a) Appeal to Hearing Officer.

Step 4: **If the grievance is not resolved at Step 3, the** employee may appeal a denial by filing a written request for a hearing before a Hearing Officer.

This request must be received by the Personnel Committee no later than ten (10) calendar days after the employee receives the Personnel Committee's written response.

On appeal, the Personnel Committee shall transmit the grievance, all grievance responses, and this Grievance Procedure to the Hearing Officer. As soon as is practicable thereafter, the Hearing Officer shall schedule a date for a hearing. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.

(b) Hearing Procedure.

The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. The hearing shall be conducted in accord with the hearing procedures of the American Arbitration Association. Any party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena.

All testimony shall be taken under oath and shall be recorded by a court reporter under the supervision and control of the Hearing Officer, unless another method of recording is mutually agreed to by the parties and approved by the Hearing Officer. **All costs associated with the court reporter and preparation of a transcript of the hearing shall be evenly split between the parties.** In all cases, the grievant shall have the burden of proof to support the grievance. The Hearing Officer may only overrule a disciplinary action if the action taken was arbitrary or capricious.

(c) Hearing Officer Decision.

The Hearing Officer shall submit his or her decision affirming or reversing the action with the reasons therefore in writing to the Personnel Committee and the employee within thirty (30) calendar days of the close of the hearing or the submission of the parties' written briefs, if any, whichever is later, or on a later date mutually agreed upon by the parties.

(4) City Council Review.

(a) Appeal to City Council.

Step 5: Within fourteen (14) calendar days of the date that the Hearing Officer's **decision is mailed, either party may file with the City Council** a written notice of appeal of the Hearing Officer's determination to the City Council.

Any such appeal shall be on the written record, the preparation of which shall be the responsibility and at the cost of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the City Council within twenty (20) calendar days of the notice of appeal. No formal hearing shall be held before the City Council. The Council shall receive no further evidence on the matter but may request additional written submittals of the parties on matters which were raised before the Hearing Officer or, at its discretion, meet with the parties to review the matter. The City Council may retain outside counsel if necessary during the process.

(b) City Council Decision.

Step 6: Within forty (40) calendar days of the receipt of the written record, the City Council shall make and file its written decision with the Clerk's office. The Clerk or designee shall, within five (5) calendar days, mail a **copy of the decision** to the last known address of the employee or the employee's representative and provide a copy of the decision to the Personnel Committee. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of the City Council.

The City Council's decision shall be final and binding on the parties. There shall be no subsequent right of appeal.

(5) Hearing Officer Selection.

(a) Qualifications/Selection.

The City may contract with a Hearing Officer to hear and determine appeals **at Step 4**. Any Hearing Officer so engaged shall not be a City employee or receiving any compensation or benefits from the City other than those described below. The City Clerk or designee shall create a panel of at least three (3) individuals when needed who have indicated a willingness to serve in the capacity of Hearing Officer **and who are experienced in personnel matters** and/or who are active or retired **attorneys, retired members of the judiciary**, retired administrative staff, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission. The City Clerk shall draw three (3)

names and list them in order of drawing with the first drawn name being appointed as the Hearing Officer. In the event a Hearing Officer is unable to accept the designation as Hearing Officer, the next numeric selection by the Clerk shall be appointed.

(b) Compensation.

The Hearing Officer shall be compensated at the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

(c) Conduct of Hearing.

- I) Generally. The Hearing Officer is not bound by the strict rules of procedure and the customary practices of courts of law.
- II) Opening Statements. Opening statements are optional and shall be confined to a brief summary of the nature of the case, the evidence intended to be offered, and the controlling legal authorities.
- III) Order of Proceeding. The grievant shall present evidence first.
- IV) Evidence. The Hearing Officer is not bound by common law or statutory rules of evidence. All testimony having reasonable probative value shall be admitted, and immaterial, irrelevant or unduly repetitious testimony shall be excluded. The Hearing Officer shall give effect to the rules of privilege recognized by law.
- V) Hearsay evidence may be admitted into the record at the discretion of the Hearing Officer and accorded such weight as the Hearing Officer or commission deems warranted by the circumstances.
- VI) Testimony of Witnesses. (a) Witnesses may testify by answering questions posed to them. (b) Cross-examination is not limited to matters to which the witness testified on direct examination. (c) At the discretion of the Hearing Officer, witnesses' testimony may be taken via telephone rather than in person. (d) At the request of either party, the Hearing Officer may order the exclusion of the witnesses in accordance with the provisions of s. 906.15, Stats.
- VII) Stipulations. Parties may stipulate to some or all of the facts that are material to a case and the Hearing Officer may base an order upon the stipulation.
- VIII) Sanctions.
 - (a) Unless good cause can be shown, any party who fails to appear at a hearing after due notice is deemed to have admitted the accuracy of evidence adduced by the parties present and the Hearing Officer may rely on the record as made.

(b) If the absent party has the burden of proof, the Hearing Officer shall consider a motion to dismiss by the parties present without requiring presentation of any evidence.

(c) If a witness fails to appear despite the issuance of a subpoena, the Hearing Officer may seek initiation of contempt proceedings.

(d) If a witness refuses to answer a proper question or otherwise engages in misconduct, the Hearing Officer may exclude the witness, may strike all or part of the witness' testimony, may make an appropriate inference or may impose any combination of sanctions under this paragraph.

(e) The Hearing Officer may exclude persons other than witnesses from the hearing for misconduct.

(6) Settlement of Grievance. A grievance shall be considered waived if not filed or appealed within the designated grievance timelines. Dissatisfaction is implied in recourse from one step to the next step. A grievance shall be deemed settled and dismissed at the completion of any step in the grievance procedure if all parties concerned are mutually satisfied or the grievance has not been timely processed to the next level. All settlements shall be in writing and signed by the employee in question and the appropriate City official(s) involved at the step level that the grievance was settled.

(7) Revisions/Updating. This Policy may be amended or repealed by the City Council at any time.

3.51: REDEVELOPMENT AUTHORITY. Pursuant to Wis. Stats. § 66.1333(3), the Redevelopment Authority of the City of Stevens Point is created as follows:

(1) It shall be deemed a separate body politic and corporate for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects.

(2) For purposes of this section, "HUD projects" shall mean any public housing project, activity, operation, or expenditure undertaken by the City of Stevens Point which is wholly or partly subsidized by funds received from the U.S. Department of Housing and Urban Development.

(3) It is authorized to act as the agent of the City of Stevens Point in planning and carrying out community development programs and activities

approved by the Mayor and Common Council under the Federal Housing and Community Development Act of 1974, other than HUD projects, and as agent to perform all acts thereunto, except the development of the general plan of the city, which may be otherwise performed by the planning commission under Wis. Stats. §§ 66.1301 to 66.1327, 66.1331, 66.1337 or 66.1105.

Any programs and projects undertaken by the Community Development Authority of the City of Stevens Point as of December 31, 2013, other than HUD projects, shall hereafter be transferred to and completed by the Redevelopment Authority. Any procedures, hearings, actions or approvals taken or initiated by the Community **Development Authority under Wis. Stats. § 66.1333 on pending projects are deemed to have** been taken or initiated by the Redevelopment Authority as though the Redevelopment Authority had originally undertaken such procedures, hearings, actions or approvals.

(4) Any form of indebtedness issued by the Community Development Authority not related to HUD projects shall be assumed by the Redevelopment Authority, except as indicated heretofore.

(5) The title to all real estate now owned by the Community Development Authority, other than properties on which HUD projects occur, shall now vest in the Redevelopment Authority without further action or conveyance and all conveyance hereto made by the Redevelopment Authority of real or personal property is ratified and confirmed in all respects.

(6) Ownership and control of all assets currently owned by the Community Development Authority not related to HUD projects shall hereby be transferred to the Redevelopment Authority.

(7) All contracts, other than contracts related to HUD projects, entered into between the federal government and the Community Development Authority, or between the Community Development Authority and other parties, shall be assumed by the Redevelopment Authority. Contracts for disposition of real property entered into by Community Development Authority with respect to any project shall be deemed contracts of the Redevelopment Authority without the requirement of amendments thereto. Contracts entered into between the federal government and the Community Development Authority, other than those related to HUD projects, shall bind the Redevelopment Authority in the same manner as though originally entered into by the Redevelopment Authority.

(8) The Redevelopment Authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(9) How Constituted: The Redevelopment Authority shall be constituted of seven (7) residents of the City of Stevens Point appointed by the Mayor and confirmed by four-fifths of the total membership of the Common Council. In making such appointments, the Mayor and Common Council shall give due consideration to the general interest of the appointee in a redevelopment, slum clearance or

urban renewal program and shall, insofar as is possible, designate representatives from the general public, labor, industry, finance or business group, and civic organizations.

Appointees shall have sufficient ability and experience in related fields, especially in the fields of finance and management, to assure efficiency in the redevelopment program, its planning and direction. At least one of the 7 commissioners shall be a member of the Common Council. No more than 2 of the commissioners may be officers of the City of Stevens Point.

(10) Term: The commissioners who are first appointed shall be designated by the appointing power to serve for the following terms: 2 for one year, 2 for 2 years, one for 3 years, one for 4 years, and one for 5 years, from the date of their appointment. After the first appointments, the term of office is 5 years. A commissioner holds office until a successor is appointed and qualified. Removal of a commissioner is governed by Wis. Stats. § 66.1201. Vacancies and new appointments are filled in the manner provided in sub. (10).

(11) Powers and duties: The Redevelopment Authority shall have all powers allocated to it under Wis. Stats. § 66.1333(5).

3.52: HOUSING AUTHORITY. Pursuant to Wis. Stats. § 66.1201, the Housing Authority of the City of Stevens Point is created as follows:

(1) It shall be deemed a separate body politic and corporate for the purpose of carrying out blight elimination, slum clearance, and urban renewal programs and projects.

(2) For purposes of this section, "HUD projects" shall mean any public housing project, activity, operation, or expenditure undertaken by the City of Stevens Point which is wholly or partly subsidized by funds received from the U.S. Department of Housing and Urban Development.

(3) It is authorized to act as the agent of the City of Stevens Point in planning and carrying out HUD projects approved by the Mayor and Common Council under the Federal Housing and Community Development Act of 1974 and as agent to perform all acts thereunto, except the development of the general plan of the city, which may be otherwise performed by the planning commission under Wis. Stats. §§ 66.1301 to 66.1327, 66.1331, 66.1337 or 66.1105.

(4) Any HUD projects undertaken by the Community Development Authority of the City of Stevens Point as of December 31, 2013 shall hereafter be transferred to and completed by the Housing Authority. Any procedures, hearings, actions or approvals taken or initiated by the Community Development Authority under Wis. Stats. § 66.1201 on pending projects are deemed to have been taken or

(5) initiated by the Housing Authority as though the Housing Authority had originally undertaken such procedures, hearings, actions or approvals.

(6) Any form of indebtedness issued by the Community Development Authority related to HUD projects shall be assumed by the Housing Authority, except as indicated heretofore.

(7) The title to all real estate now owned by the Community Development Authority on which HUD projects occur shall now vest in the Housing Authority without further action or conveyance and all conveyance hereto made by the Housing Authority of real or personal property is ratified and confirmed in all respects.

(8) Ownership and control of all assets currently owned by the Community Development Authority related to HUD projects shall hereby be transferred to the Housing Authority.

(9) All contracts related to HUD projects entered into between the federal government and the Community Development Authority, or between the Community Development Authority and other parties, shall be assumed by the Housing Authority. Contracts for disposition of real property entered into by Community Development Authority with respect to any HUD project shall be deemed contracts of the Housing Authority without the requirement of amendments thereto. Contracts entered into between the federal government and the Community Development Authority related to HUD projects shall bind the Housing Authority in the same manner as though originally entered into by the Housing Authority.

(10) The Housing Authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(11) How Constituted: The Housing Authority shall be constituted of five (5) residents of the City of Stevens Point appointed by the Mayor and confirmed by a majority of the Common Council. No commissioner may be connected in any official capacity with any political party nor may more than 2 commissioners be officers of the City of Stevens Point.

(12) Term: The first 5 commissioners who are first appointed shall be designated by the mayor to serve for terms of 1, 2, 3, 4 and 5 years respectively from the date of their appointment. Thereafter, the term of office shall be 5 years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the manner described under sub. (10). Three commissioners constitute a quorum. The Mayor shall file with the City Clerk a certificate of the appointment or reappointment of any commissioner and the certificate is conclusive evidence of the proper appointment of that commissioner if that commissioner has been confirmed under this paragraph and has taken and filed the official oath before entering office. The Common Council may elect to pay commissioners a per diem and mileage and other necessary expenses incurred in the discharge of their duties at rates established by the Council.

(13) Powers and duties: The Housing Authority shall have all powers allocated to it under Wis. Stats. § 66.1201(9).

CREATION OF AIRPORT COMMISSION

- 3.53
- (1) **CREATION:** Pursuant to Wisconsin Statutes § 114.14, there is hereby created an Airport Commission which shall have the authority to construct, improve, equip, maintain, and operate the Stevens Point Municipal Airport / Mattson Field.
 - (2) **MEMBERSHIP:** The Airport Commission shall be comprised of five (5) commissioners to be appointed by the mayor and confirmed by the common council.
 - (3) **TERM:** The terms of the initial appointments to the Airport Commission shall be as follows: one commissioner for one year, one commissioner for two years, one commissioner for three years, one commissioner for four years, and one commissioner for five years. Following the initial appointments, any reappointments or new appointments shall be for a five year term. Appointments to the Airport Commission shall be made at the April reorganization meeting of the Common Council. Terms shall commence on May 1 following such meeting.
 - (4) **POWERS AND DUTIES:** The Airport Commission shall have all **powers and duties granted to it under Wisconsin Statutes § 114.14 and any other applicable state statutes and/or provisions of the Revised Municipal Code of the City of Stevens Point.**

CREATION OF TOURISM COMMISSION

- 3.54
- (1) **CREATION:** Pursuant to Wisconsin Statutes § 66.0615(1m)(c), there is hereby created a Tourism Commission.
 - (2) **MEMBERSHIP:** The Tourism Commission shall be comprised of five (5) commissioners to be appointed by the Mayor and confirmed by the Common Council. At least one member shall represent the Wisconsin hotel and motel industry. Members shall be residents of the City of Stevens Point.
 - (3) **TERM:** The terms of the appointments to the Tourism Commission shall be one year, beginning on May 1 following appointment, and ending on April 30 of the following year. Members may be reappointed to successive terms.
 - (4) **POWERS AND DUTIES:** The Tourism Commission shall have all **powers and duties granted to it under Wisconsin Statutes § 66.0615**

and any other applicable state statutes and/or provisions of the Revised Municipal Code of the City of Stevens Point.

(5) OFFICERS: At its first meeting following the annual reorganization meeting of the Common Council, the Tourism Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members.

3.55 - BICYCLE-PEDESTRIAN STREET SAFETY COMMISSION

- (1) CREATION: A bicycle-pedestrian street safety commission is hereby created. The purpose of the Bicycle-Pedestrian Street Safety Commission (BPSSC) is to implement the Portage County Countywide Bicycle and Pedestrian Plan. The BPSSC ensures that bicycle and pedestrian projects in the city are consistent with the Plan through:
 - (a) Planning for future pedestrian and bicycle facilities.
 - (b) Reviewing public and private development plans and proposals for pedestrian and bicycle facilities, and safe routes to schools.
 - (c) Coordinating and partnering with multiple jurisdictions (City, County, Village, and State).
 - (d) Public outreach (pedestrian and bicycle safety education, tourism, economic development, enhancing neighborhood livability and resident quality of life).
- (2) MEMBERSHIP: The Bicycle-Pedestrian Street Safety Commission shall be comprised of five (5) commissioners and one (1) alternate to be appointed by the Mayor and confirmed by the Common Council. Each member should have, to the extent practicable, known experience and interest in pedestrian and bicycle transportation safety, as well as familiarity with the National Association of City Transportation Officials (NACTO) and the Portage County Countywide Bicycle and Pedestrian Plan. Preference consideration will be given to appointees who have a background as an engineer or planner, pedestrian and bicycle safety advocate, bicycle friendly business owner, safety educator, alderperson, and a non-voting Community Development staff liaison.
- (3) TERM: The mayor shall appoint the commissioners subject to confirmation by the common council. Members shall serve a term of three years with the alderperson serving the length of the aldermanic term. Vacancies shall be filled for the unexpired term in the same manner as appointment.
- (4) COMMISSION RULES:

- (a) The chairperson shall be elected by the commission. The chairperson, or its designee, shall preside at all meetings.
 - (b) Action shall be by majority vote.
 - (c) A quorum shall be 3 or more members.
 - (d) The chairperson and members present shall vote unless disqualified by conflict of interest.
 - (e) Regular meetings shall be held at least once a month if requests warrant a meeting at a date and time set by the commission. Special meetings shall be at the call of the Chairperson or request of three members. Executive sessions may be held in accordance with Chapter 19 of the Wisconsin Statutes.
 - (f) The Designated Agent, in consultation with the chairperson, shall prepare an agenda for all meetings.
- (5) POWERS AND DUTIES: The powers and duties of the Bicycle-Pedestrian Street Safety Commission shall consist of:
- (a) Advising the Common Council on updates, maintenance, and implementation of the Portage County Countywide Bicycle & Pedestrian Plan and the Transportation Element of the Comprehensive Plan.
 - (b) Working with the Community Development Department to achieve recognized standards for bicycle and pedestrian accessibility and safety, such as the American Bicyclists Bicycle-Friendly Community Silver/Gold designations and Walk-Friendly Community designation.
 - (c) Promoting the integration of bicycling and walking in the City of Stevens Point's planning, engineering, design, and development of transportation facilities to ensure the safe and efficient movement of people and goods, while enhancing neighborhood livability and resident quality of life.
 - (d) Making recommendations to City staff, department heads, boards and commissions, and the Common Council with regard to the capital and operating budget to identify pedestrian and bicycle needs, services, programs, or facilities.
 - (e) Working with the local organizations and programs to educate all age groups on safe bicycling and walking skills.
 - (f) Developing and distributing informational, educational and promotional materials for bicyclists, pedestrians and motorists.

3.56 - Administrative Appeals Board.

- (1) **Legislative Purpose**. The City of Stevens Point elects not to be governed by any of the provisions of Wis. Stat. Ch. 68. This election is made pursuant to the provisions of Wis. Stat. § 68.16. The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by City authorities which involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution, and for which appeal procedures are not already created by other ordinances or statute. There is no intention to create any new or additional rights to administrative review beyond those already guaranteed by the United States Constitution, Wisconsin Constitution, or Wisconsin Statutes.
- (2) **Review of Administrative Determinations**. A person aggrieved shall be defined as any person having a substantial interest which is adversely affected by an administrative determination of any official, agent, or employee acting on behalf of the City, as set forth in Subsection (3). A person aggrieved by such determination may have it reviewed by following the procedure set forth in Subsection (6).
- (3) **Determinations Reviewable**. Except as limited by Subsection (4), the following determinations are reviewable under this section:
 - (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority except a license or permit issuable under Section 12.14 of the RMC and/or Wisconsin Statutes Ch. 125.
 - (b) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority except a license or permit issuable under Chapter 12.14 of the RMC and/or Wisconsin Statutes Ch. 125.
 - (c) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing specific conditions of eligibility for such grant. Such determinations shall not be reviewable when the grant or other thing of substantial value is by its express terms granted upon a discretionary basis. The word "may" shall indicate the discretionary nature of such determinations, but the absence of the word "may" shall not be conclusive as to the non-discretionary nature of the determination.
 - (d) The imposition of a penalty or sanction upon any person except a City employee or officer, other than by a court.
 - (e) The issuance of a notice or order pursuant to Chapter 21.13 of the RMC.
- (4) **Determinations Not Subject to Review**. The following determinations are not reviewable under this section:
 - (a) Any action which is subject to review procedures provided by any other ordinance, resolution, statute, or rule.
 - (b) A legislative enactment. A legislative enactment is an ordinance or resolution adopted by the Common Council.
 - (c) Denial of a tort or contract claim for money, required to be filed with the municipality pursuant to statutory procedures for the filing of such claims.

(d) Suspension, removal, demotion, or discipline, or nonrenewal of a contract of a City employee or officer.

(e) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license or other license or permit issuable under Section 12.14 of the RMC.

(f) Determinations made or actions taken during labor negotiations.

(g) Decisions made by the City pursuant to its contracting, budgeting, or employment authority.

(h) Notwithstanding any other provision of this section, any action or determination which does not affect the constitutionally protected right of a specific person or persons to due process of law in connection with the action or determination.

(i) Any action of a City governmental body, including boards, commissions or committees, for which a method of direct review by the circuit court is provided by ordinance. Such method of review may adopt the procedures of Wis. Stat. § 68.13 by reference.

(j) An order issued by the Building Inspector pursuant to Wis. Stats. § 66.0413.

(5) **Administrative Review Board.** There is hereby created an Administrative Review Board which shall serve in a quasi-judicial capacity to hear and decide appeals under this Section. The Board shall be comprised of two (2) members selected from the public at large and three (3) members of the Common Council. All five (5) members shall be appointed by the Mayor and confirmed by the Common Council. Members selected from the public at large shall be residents of the City of Stevens Point who are at least 18 years of age. The term of such appointments shall be two (2) years. Three (3) members of the Board shall constitute a quorum. The Board shall meet on an as-needed basis, although upon the initial appointment of members to the Board, it shall convene within thirty (30) days to elect a Chairperson.

(6) **Procedure for Review.**

(a) **Written Determination.** Any person aggrieved, as defined in Subsection (2), may request a written statement of reasons for a determination subject to the provisions of this section. Such request shall be in writing, and shall be filed within thirty (30) days after the person receives notice of the determination. The request shall be filed with the City Clerk and the Clerk shall immediately forward it to the authority responsible by law for the decision. The requested written statement shall be approved by the responsible authority or officer, shall be dated, and shall be provided to the requester within thirty (30) days. It shall also inform the requester of procedures to be followed in seeking review. The responsible authority or officer shall consider any revised application, or supplemental facts or argument supplied to him/her in writing, but is not required to provide an interview or hearing, although he/she is permitted to do so. Unless otherwise provided, the determination shall be in effect during the appeal process, if appeal is taken.

(b) **Appeal From Determination:**

1. Notice of Appeal. The written determination may be appealed to the Administrative Review Board if the person aggrieved files a written notice of appeal within thirty (30) days after he/she receives the determination. Such notice shall be filed with the City Clerk. The Board shall hold a hearing within a reasonable time after the notice is filed with the Clerk. The appellant shall be notified in writing by either email or physical mail of the time, date, and location of the hearing at least ten (10) days before the hearing.

2. Hearing. At the hearing, the appellant and the responsible City official or authority may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Board Chairperson shall conduct the hearing, administer oaths to witnesses, and may issue subpoenas. If the Board convenes in the absence of the Chairperson, such session shall commence with the selection of a Chairperson pro tempore from among the members present. The rules of evidence provided in Wis. Stat. § 227.45 for administrative proceedings shall be followed. The City Clerk shall receive and mark all exhibits, and the staff shall record all of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party.

3. Decision. Within thirty (30) days of the completion of the hearing and the filing of briefs, if any, the Administrative Review Board shall issue a written decision stating the reasons therefor. The Administrative Review Board shall have power to affirm or reverse the written determination, or to remand it to the agency or authority with instructions for reconsideration. Such orders shall be consistent with applicable law, and, except for remands, shall be final determinations for the purpose of judicial review.

(7) Judicial Review.

(a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript.