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COMMON COUNCIL

3.01 Common Council. (1) Procedure and Powers. Except as otherwise provided herein, the procedure and powers of the Common Council shall be governed by Chapter 62 of the Wisconsin Statutes.

(2) Regular Meetings. The regular meetings of the Common Council shall be held on the 1st and 3rd Mondays of each month at 7:00 p.m., unless otherwise provided. Where the day of a regular meeting falls on a holiday, the meeting shall be held on the next succeeding day which is not a holiday at 7:00 p.m. Other meetings may be scheduled by the Common Council.

(3) Committees. The following are the standing committees of the City of Manitowoc and the areas of the responsibility for each committee:

(a) Finance - 5 members

- Property Assessment
- Budgets
- Claims
- Insurance-Taxes
- Printing

(b) Parks and Recreation - 5 members

- Parks
- Boulevards
- Neighborhood Recreation Centers
- Swimming Pool
- Lincoln Park Zoo
- Playgrounds
- Recreation
- Fieldhouses
- Forestry
- Chairman to serve on Recreation Board
- Co-Chairman to serve on Zoological Board

(c) Public Property and Safety - 5 members

- Fire Department
- Police Department
- Parking
- Parking Meters
- Traffic and Parking
- Rentals, maintenance or repair of public buildings and properties owned by the City
- Safety Building
- City Hall

(d) Public Utilities and Licensing - 5 members

- Rahr-West Civic Center
- Civil Defense
- Electrical Inspector
- Director of Building Inspection

- Housing Authority
- Elections
- Licensing and Permits
- Industrial Development
- Electrical Utility

Water Utility
Communications
Harbor and Docking
Transit System
Chairman to be council representative on Utilities
Commission and Code Review Commission
Chairman to be council representative on Rahr-
West Art Museum Board
One member shall serve on the Board of Harbor
Commissioners

(e) Streets and Sanitation - 5 members

Street construction
Street maintenance
Bridges
City Shops
Gravel Pit
Cemetery
Planning
Zoning
Platting
Wastewater Treatment Plant
Sewer construction and maintenance
Refuse Disposal
Sanitary inspection
Nursing service
Plumbing inspector
Chairman to serve on Board of Public Works
Co-Chairman to serve on Board of Public Works
One member to serve on City Plan Commission
One member to serve on Code Review Committee

(f) Personnel - 5 members

Salaries
Wages
Arbitration

(4) Aldermanic Salaries. Effective for Common Council members, other than the Mayor, elected or appointed for a definite period after April 3, 2007, the compensation shall be increased from \$225.00 per month to \$260.00 per month. The effective date of the increase to \$260.00 per month is the third Tuesday of April, 2007, for Aldermanic Districts 1, 2, 3, 7 and 10. The effective date for Aldermanic Districts 4, 5, 6, 8 and 9 is the third Tuesday of April, 2008.

BOARDS AND COMMISSIONS

3.03 Police and Fire Commission. The City of Manitowoc shall have a Police and Fire Commission as provided for in §62.13 of the Wisconsin Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that should there occur a vacancy in the Harbor Commissioners, the Successor shall be appointed for

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the unexpired term in the same manner as the original appointment, and

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

(The residency requirement in the above resolution was amended by a charter ordinance created as Section 2.08 of the Municipal Code.)

3.05 City Plan Commission. (1) Creation. There is hereby created a City Plan Commission pursuant to §62.23 of the Wisconsin Statutes.

(2) **Membership.** The City Plan Commission shall consist of eight (8) members. The members shall be the Mayor, who shall be the presiding officer; the Director of Public Works and City Engineer; the Director of Building Inspection; one member of the Streets and Sanitation Committee of the Common Council and four (4) citizen members. The citizen members shall be persons of recognized experience and qualification. In the absence of the Director of Public Works and City Engineer, the Deputy Director of Public Works may serve as a member of the City Plan Commission. In the absence of the Director of Building Inspection, the Deputy Director of Building Inspection may serve as a member of the City Plan Commission. The alderman and citizen members shall be selected as provided for in Wis. Stat. §62.23(1).

(3) **Additional Matters Referred to City Plan Commission.** In addition to matters set forth in Wis. Stat. §62.23(5), the Common Council may refer to the Plan Commission the construction or carrying out of any public work not expressly within the province of other commissions of the city, and may delegate to the plan commission all powers which said council deems necessary to complete such work and all details.

3.06 Public Utilities Commission. As provided for in Chapter 12 of the Municipal Code, the Manitowoc Public Utilities Commission shall consist of seven commissioners.

3.07 Board of Public Works. The Board of Public Works of the City of Manitowoc shall consist of the Mayor, City Attorney, City Clerk, Director of Public Works and City Engineer, the Chairman and Co-Chairman of the Streets and Sanitation Committee of the Common Council and the Finance Director. In the absence of the City Clerk, the Deputy City Clerk may act as a member. In the absence of the City Attorney, the Assistant City Attorney may act as a member. In the absence of the Director of Public Works and City Engineer, the Deputy Director of Public Works may act as a member. In the absence of the Finance Director, the Assistant Finance Director may act as a member. (See, §62.14 of the Wis. Stats.)

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3.08 Board of Review. (1) Composition. The Board of Review of the City of Manitowoc shall be composed of the Mayor, the City Clerk, and five (5) members of the common council to be appointed annually by the Mayor. The Mayor may also appoint up to five (5) additional members of the Common Council as alternates to serve in the event of the unavailability of any member of the Board of Review on any matter.

(2) **Compensation.** The members of the Board of Review except members who are full time employees or officers of the City, shall receive as compensation \$25.00 for sessions of one-half day or less, \$50 for sessions extending more than one-half day, but excluding evenings, and an additional \$5 for each one-half hour of any evening session after a full day session.

3.09 Library Board. There is hereby created a Library Board pursuant to Wis. Stat. §43.54 to administer City of Manitowoc Public Library facilities.

3.10 Wastewater Treatment Facility Board. (1) Creation. There is hereby created a Wastewater Treatment Facility Board consisting of seven (7) members. The Director of Public Works, or in the Director's absence the Deputy Director of Public Works, and

the Co-Chairman of the Streets and Sanitation Committee of the Common Council shall be ex-officio members. There shall also be five (5) citizen members. Two citizen members shall be designated as representing residential users. One member shall be designated as representing commercial users. Two members shall be designated as representing industrial users. Each of the citizen members shall serve a three (3) year term and be appointed pursuant to §3.27.

(2) **Officers.** The Board shall meet and select a Chairman prior to July 1 of each year. The Wastewater Treatment Plant Superintendent shall act as secretary of the Board but shall not be a voting member.

(3) **Duties and Powers of the Board.** The Board shall direct and supervise the activities of the Wastewater Treatment Plant and should there be a vacancy in the position of Superintendent, the Board shall interview and recommend to the Common Council the name of a Superintendent for approval. The Superintendent shall be responsible for the daily operation of the plant and shall hire and, subject to any collective bargaining agreement, discharge and discipline all other employees of the Wastewater Treatment Plant.

The Board shall have the care, custody and control of the Wastewater Treatment Plant and it shall be the duty of the Board to recommend any improvement to the Plant. The Board shall be responsible for the operation and maintenance of the Plant and shall submit a budget annually to the Common Council for this purpose. The Board shall report to the Common Council periodically regarding the status of the Wastewater Treatment Plant. No expenditures other than budgeted and approved expenses shall be permitted unless approved by the Common Council.

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(4) **Appeals.** All appeals regarding the administration, operation, and rate charges of the Wastewater Treatment Plant shall be made to the Wastewater Treatment Plant Board for decision.

3.11 Recreation Board. (1) Creation. There is hereby created a Recreation Board, consisting of five (5) members. One member shall be appointed by the Board of Education, one member shall be the Chairman of the Parks and Recreation Committee of the Common Council, and three (3) members shall be citizens of the City of Manitowoc. The terms of the citizen members shall be for two (2) years. Appointments shall be pursuant to §3.27. The term of office of the member chosen by the Board of Education shall be determined by the Board of Education. The Board of Education shall also determine the procedure to elect its member.

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

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

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

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

3.12 Rahr-West Art Museum Boards and Association (1) Rahr-West Art Museum Board. (a) Creation. There is hereby created a Rahr-West Art Museum Board to consist of thirteen (13) members. One member shall be a member of the Common Council and the remaining 12 members shall consist of citizens at large appointed pursuant to §3.27. For purposes of this section, the definition of citizen is interpreted to mean a person is eligible to hold a non-elective City office even though he or she is not a resident of the City of Manitowoc.

(b) Term of Board Member. Citizen Board members shall serve a three-year term, limited to two consecutive terms. Citizen Board members may serve more than two terms provided that at least one-year term hiatus from the Board is observed by the member after

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each two consecutive three year term served. The Rahr-West Art Museum Director shall be a non-voting member of the Rahr-West Art Museum Board. Prior to July 1 of each year the Board shall meet and select officers.

(c) Powers and Duties. The Board shall direct and supervise the activities of the Rahr-West Art Museum and recommend a director for the museum to the Common Council for approval. The Common Council shall determine the compensation of the director. The director shall hire and discharge all other employees of the museum upon concurrence and recommendation of the Board.

The Board shall have care, custody and control of all buildings and property of the Rahr-West Art Museum and it shall be the duty of the Board to recommend any improvements of the buildings to the Common Council. Budgeted funds appropriated by the Common Council for the Rahr-West Art Museum shall be disbursed by the Board according to its best judgment and in accordance with the approved budget.

The Board is authorized to accept or reject gifts or loans of items offered to the collections of the museum. The Board is also authorized to release and transfer properties of the permanent collections. Any funds received from the sale of these released and transferred items shall be retained in a special account for the purchase of additions to permanent collections.

(2) Rahr West Fund Board. Repealed 2/10/95.

(3) Rahr-West Museum Association. (a) Creation. There is hereby created an organization known as "The Rahr-West Art Museum Association". This organization is created for the sole purpose of obtaining funds for the Rahr-West Art Museum which is a non-profit museum operated by the City of Manitowoc.

(b) Organization. The Rahr-West Art Museum Association shall be governed by a Board of Directors appointed by the Rahr-West Art Museum Board. This Board of Directors shall be composed

of three persons who shall serve indefinite terms at the pleasure of the Rahr-West Art Museum Board. The Rahr-West Art Museum Board shall appoint one of the directors as president of the Rahr-West Art Museum Association. The Board shall appoint a second director as the secretary and a third director as treasurer. The Rahr-West Art Museum Board may change these appointments at any time.

(c) Powers. The Rahr-West Art Museum Association Board of Directors is empowered to conduct projects and to accept contributions and memberships for the association.

(d) Account. A separate fund for the Rahr-West Art Museum Association is hereby established to be known as the Rahr-West Art Museum Association Account. All contributions and memberships designated for the Rahr-West Art Museum Association shall be deposited in this fund. All proceeds shall be used only for the Rahr-West Art Museum. These funds are intended to

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supplement but not replace the normal budget support provided by the City of Manitowoc. No funds shall be disbursed without the order of the Rahr-West Art Museum Board.

(3) Tax Qualification. The Wisconsin District Director of Internal Revenue shall be notified of this action so as to enable contributions to enjoy tax deductions.

3.13 Safety, Traffic and Parking Commission. (1) Creation. There is hereby created the Manitowoc Safety, Traffic and Parking Commission. The Commission shall consist of thirteen (13) voting members. The Fire Chief or his representative, Chief of Police or his representative, and the Chairman of the Public Property and Safety Committee of the Common Council shall serve as ex officio members. In addition, the Commission shall consist of a citizen to represent the merchants of downtown Manitowoc, a citizens to represent downtown consumers, and eight (8) citizens at large.

The citizen members shall serve for staggered three (3) year terms. Citizen members shall be appointed pursuant to §3.27.

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

(3) Organization. The Commission shall choose a Chairman and Secretary on an annual basis. The Secretary shall keep minutes of the Commission's meetings and make reports to the Common Council.

The annual meeting of the Safety, Traffic and Parking Commission shall be held in January. The Commission may schedule additional meetings. Five (5) members of the Commission shall constitute a quorum. The Commission is empowered to establish additional by-laws for the governing of its meetings.

3.14 Manitowoc Industrial Development Corporation. The Manitowoc Industrial Development Corporation, formerly the Manitowoc Industrial Park Corporation, is hereby designated as the City's agent to encourage and promote the development of industry, to provide greater employment opportunities and to broaden the City's tax base in order to relieve the tax burden of other City residents. The Corporation shall be empowered to act on behalf of

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the City of Manitowoc in accordance with authority granted by Resolutions of the Common Council. The Corporation shall be responsible for ongoing management of current and future industrial parks, implementation of any industrial revolving loan programs approved by the Common Council and industrial marketing. The Corporation shall also make recommendations to the Common Council concerning development of industrial development policy.

3.15 Citizens Physical and Sensory Disability Commission.

(1) **Creation.** There is hereby created a Citizens Physical and Sensory Disability Commission. The Commission shall consist of ten (10) members. One member shall be a Common Council member appointed by the Mayor. The term of this Council member shall expire at the reorganization meeting of the Common Council in April following the appointment. The remaining nine (9) members shall be residents of the City who shall serve for three (3) terms pursuant to §3.27.

All members of the Citizens Physical and Sensory Disability Commission, except the Common Council member, shall have a physical or sensory disability or be the parent or spouse of a physically or sensory disabled person. This requirement may be waived by the Common Council only upon a determination that sufficient qualified persons cannot otherwise be found to serve on the Commission.

The Commission shall elect a Chairman and a Secretary. The Secretary shall keep minutes for a permanent record. Officers shall be reelected annually as soon as possible after June 1.

(2) **Powers and Duties.** The powers and duties of the Citizens Physical and Sensory Disability Commission shall include, but not be limited to, the following:

(a) Recommendations to the Common Council, City Plan Commission, Building Inspection Department, Recreation and Parks Department, and other pertinent City agencies on all proposals to allow physically or sensory handicapped citizens a better opportunity to enjoy and take advantage of the programs and facilities of the City of Manitowoc.

(b) The Commission shall be available for advice to area employers, hospitals, service clubs, educational institutions, the press, contractors and architects, and all related professions on any matter where the Commission feels that disabled persons are needed. The Commission shall help provide suggestions and solutions to guarantee the physically and sensory disabled citizen a greater degree of access to all facilities.

(c) The Commission shall have the authority to report all violations of city Ordinances and state Laws to the Mayor and Common Council regarding facilities for the physically and sensory disabled in buildings and allied construction.

(d) The Commission shall receive complaints and suggestions from citizens and organized groups regarding the

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problems of the physically and sensory disabled citizen and may request the Common Council each year to publicly recognize anyone who merits special recognition for providing facilities or other needs for the physically or sensory disabled.

3.16 Community Development Authority.

(1) Findings and Declaration of Necessity.

(a) The Manitowoc Housing Authority is a public body corporate and politic created by resolution of the Common Council on June 21, 1948. In support of its creation, the Common Council found that there was a shortage in the City of Manitowoc of safe and sanitary dwelling accommodations available to persons with low income. These findings are hereby affirmed and incorporated herein.

(b) In addition, the Common Council hereby finds and declares a need for blight elimination, slum clearance, urban renewal land community development programs and projects and housing projects, and that a housing and community development authority functioning within the City of Manitowoc would constitute a more effective, efficient means for carrying out such programs and projects.

(2) Creation of Community Development Authority.

Pursuant to §66.4325 of the Wisconsin Statutes, there is hereby created a housing and development authority to be known as the Community Development Authority of the City of Manitowoc. The community development authority shall be deemed a separate body corporate and politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.

(3) Composition and Procedures of Community Development Authority.

(a) **Composition.** The Community Development Authority shall consist of seven resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing. These persons shall serve as Commissioners of the Community Development Authority.

(b) **Appointment.** The commissioners shall be appointed by the Mayor with the confirmation of the Common Council. Two of the commissioners shall be members of the common council and shall serve during their term of office as council members. The first appointments of the five non-council members shall be for the following terms: two for one year and one each for terms of two, three and four years. Thereafter, the terms of 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 §3.27. Vacancies shall be filled for the unexpired term as provided for in this subsection.

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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 Community Development Authority shall annually elect a Chairperson and Vice-Chairperson from among the commissioners. The City Planner shall not be a member of the Community Development Authority but shall act as its Executive Director. The City Planner shall be the chief administrative officer of the authority and shall direct, manage and supervise administrative operations and technical activities. He shall serve as the Secretary of the authority and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated by the authority. The City Planning Department shall assist in performing duties required by the Community Development Authority.

(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 the discharge of their duties.

(e) Meetings, Quorum and By-Laws. All meetings of the Community Development Authority 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 Community Development Authority upon the affirmative vote of a majority of the commissioners present at any meeting. The Community Development Authority 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 ordinance, as it deems necessary in the performance of its functions and duties.

(f) Budget and Annual Report. An annual budget shall be prepared by the Community Development Authority which budget shall be subject to approval by the Common Council. The Community Development Authority shall also prepare and file with the Mayor and City Council a report of its activity for preceding calendar year on or before February 15 of the following year.

(4) Powers and Duties. The Community Development Authority shall have all powers, duties and functions set out in Sections 66.40 and 66.431 for housing and redevelopment authorities and as to all housing projects initiated by the Community Development Authority, it shall proceed under Section 66.40, and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs it shall proceed under Sections 66.405 to 66.425, 66.43, 66.431, 66.435 or 66.46, as determined appropriate by the Common Council on a project by project basis. As to all community development programs and activities undertaken by the City under the Federal Housing and Community Development Act of 1974, the Community Development Authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this State. In addition, the

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Community Development Authority may act as agent of the City to perform all acts, except the development of the general plan of the city, which may otherwise be performed by the Planning Commission under Sections 66.405 to 66.425, 66.43 and 66.435 or 66.46 of the Wisconsin Statutes.

In addition to the foregoing powers, duties and functions the Community Development Authority shall have such other powers, duties and functions related to community development as are conferred upon the Authority by the City Council from time to time, which shall include any powers and duties previously conferred on the Manitowoc Housing Commission.

(5) Termination of Housing Authority. Upon the adoption of this ordinance, the Manitowoc Housing Authority is hereby terminated. The powers and duties of the Manitowoc Housing Authority shall be assumed by the Community Development Authority pursuant to the terms of Section 66.4325(5) of the Wisconsin Statutes.

(6) Controlling Statute. This section of the Municipal Code is enacted pursuant to §66.4325 of the Wisconsin Statutes. In so far as this ordinance may be inconsistent with §66.4325, the statute shall control.

3.17 Zoological Board. (1) Creation. There is hereby created a Zoological Board which consists of the following seven members, the Co-Chairman of the Parks and Recreation Committee of the Common Council, one member to be appointed by the Manitowoc Fish and Game Protection Association, one member to be appointed by the Izaak Walton League of the City of Manitowoc, and four residents of the City to be appointed annually pursuant to Section 3.27. No salary or compensation shall be paid to members of the Zoological Board.

(2) Duties. It shall be the duty of the Zoological Board to formulate plans and policies pertaining to the operation of the City Zoo and to oversee management of the Zoo.

3.18 Cable Television Commission. The Cable Television Commission shall be governed by the terms of Section 27.17 of the Cable Television Franchise Ordinance.

3.19 Municipal Tree Commission. (1) Creation. There is hereby created a Municipal Tree Commission which shall have the powers provided under Section 27.09, Wis. Stats. The Commission shall consist of five (5) members: One member of the Manitowoc Parks and Recreation Committee (Aldersperson), and four (4) residents of the City to be appointed to a two (2) year term pursuant to Section 3.27. No salary or compensation shall be paid to members of the Municipal Tree Commission.

(2) Duties. It shall be the duty of the Municipal Tree Commission to formulate plans and policies pertaining to forestry. This includes protection, management, and development of trees

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within the City including trees located on streets in parks under the jurisdiction of the Manitowoc Parks and Recreation Department.

3.20 Cemetery Commission. (1) (a) Creation. There is hereby created the Cemetery Commission. The Commission shall consist of seven (7) members.

(b) Appointment/Term. The Commissioners shall be appointed by the Mayor with confirmation of the Common Council. One of the Commissioners shall be an Aldersperson from the Streets and Sanitation Committee and shall serve during his/her term of office as Council member. One (1) 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 (6) remaining non-Council members shall be for the following terms: Two (2) commissioners for a period of one (1) year, two (2) Commissioners for terms of two (2) years and one each for terms of three (3) and four (4) years. Thereafter, the terms of the non-Council members shall be four (4) years and until their successors are appointed and qualify. Appointments of the non-Council members shall be pursuant to Section 3.27 of the Municipal Code. 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 Works shall not be a member of the Cemetery Commission but shall act as its director. The Director of Public Works shall be the Chief Administrative Officer of the Commission and shall direct, manage and supervise administrative operations and technical activities. The Director of Public Works shall serve as the secretary of the Authority and shall perform such other duties and have such other powers and responsibilities as may, from time to time, be delegated by the Commission. The Director of Public Works for the City of Manitowoc shall be responsible for the agenda, minutes and forwarding of the appropriate items to the Streets and Sanitation Committee. The City Engineering Department and Cemetery Division shall assist in performing duties required by the Cemetery Commission.

(d) Compensation. The Commissioner 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 (4) commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other

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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 Ordinance, 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 Streets and Sanitation Committee and Common Council. The Cemetery Commission shall also prepare and file with the Mayor, Streets and Sanitation 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 Streets and Sanitation 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 of the City of Manitowoc Municipal Code or Chapter 157 of the Wisconsin State Statutes as both the Code and Statute 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.

3.25 Quorum. Except as otherwise specifically provided, a quorum of any governmental body of the City of Manitowoc is a majority of the number of members of that governmental body.

3.27 Appointments. (1) Except as otherwise specifically provided, appointments to city boards, commissions, and other governmental bodies shall be made by the Mayor at the first Common Council meeting in May of the year in which the particular term expires. Such appointments shall be confirmed or rejected by the Common Council by the second regular Common Council meeting in May. In case of rejection, the Mayor shall nominate another appointee as

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soon as possible, and submit the same to the Common Council for its consideration.

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

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

1. Harbor Commission (Section 3.04)
2. Wastewater Treatment Plant Board (Section 3.10)
3. Recreation Board (Section 3.11)
4. Rahr-West Board (Section 3.12)
5. Safety, Traffic and Parking Commission
(Section 3.13)
6. Industrial Development Commission (Section 3.14)
7. Citizens Physical & Sensory Disability Commission
(Section 3.15)
8. Community Development Authority (Section 3.16)
9. Citizens Advisory Committee (Section 3.33)
10. Committee on Aging (Section 3.04)
11. Better Literature and Entertainment Committee

(Section 14.181)

12. Zoning Board of Appeals (Section 15.55)
13. Building Board of Appeals (Section 16.05)
14. Municipal Tree Commission (Section 3.19)
15. Cemetery Commission (Section 3.20)

(2) Should the Mayor's nominee for any appointment be rejected by the Common Council, the Mayor may designate a person to serve on the respective board, commission or other governmental body until a successor is appointed and approved by the Common Council. However, any appointee who has been disapproved by the Common Council shall be permitted to continue in office. Should there be no one designated to fill a position for which an appointment has been rejected, that position shall be vacant until a nominee is appointed and qualifies.

OTHER GOVERNMENTAL BODIES

3.31 Manitowoc Development Corporation.
Repealed April 21, 1993.

3.32 Code Review Committee. There is herewith created a Code Review Committee to make recommendations for the improvement of building, electrical and plumbing codes and code enforcement. Such committee to be composed of an architect, a home builder, a

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plumbing contractor, an electrical contractor, a real estate broker, the Chairman of Public Utilities and Licensing Committee and a member of the Streets and Sanitation Committee of the Common Council. The non-aldermen members shall serve for a one year term which shall be from 12:00 a.m. on January 1, until 12:00 a.m. the following January 1. All persons shall serve until a successor qualifies. Vacancies shall be filled for an unexpired term only. The Mayor shall nominate members for the Code Review Committee at the first meeting in December of each year and the Council shall accept or reject the recommendations at the second meeting of the Council in December of each year. In case of rejections, the Mayor shall make alternate nominations as soon as practicable. No person shall serve unless approved by the Council. The following department heads are herewith appointed advisors to the Committee: City Attorney, Plumbing Inspector, Electrical Inspector, City Engineer, City Planner, Fire Chief, Police Chief and the Director of Building Inspection.

3.33 Citizens Advisory Committee. There is hereby created a Citizens Advisory Committee which shall be composed of 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 (3) years. Appointments shall be made as prescribed in §3.27.

3.34 Committee on Aging. There shall be created a Committee on Aging consisting of eight members to be appointed by the Mayor and confirmed by the Common Council for three year terms pursuant to §3.27. The Committee shall recommend to the Common Council a Director for the Committee on Aging who shall serve for a three year term under the direction of the Recreation and Parks

Director. The salary of said director shall be set by the Common Council. The director shall administer the programs as recommended by the State and Federal Government Committee on Aging.

3.35 Emergency Government.

(1) **Purpose.** The purpose of this ordinance is to establish an effective program of Emergency Government as required by Wis. Stat. Section 166.03(4).

(2) **Emergency Government Coordinator. (a) Appointment.** The office of Emergency Government Coordinator is hereby created. The Coordinator shall be appointed by the Mayor subject to confirmation by the Common Council. The Coordinator shall take and file an official oath. The Coordinator may be an employee of an existing city department or may receive a separate salary as authorized by the Common Council.

(b) **Duties and Authority.** The Emergency Government Coordinator shall have the duties provided for in Wis. Stat. Section 166.03(5). In fulfilling these duties, the Coordinator shall work together with the Manitowoc County Director of Emergency Government pursuant to the terms of any agreements between the City

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of Manitowoc and Manitowoc County. In the event of an actual emergency, the Coordinator shall work to coordinate an emergency response with, as appropriate, other city department heads and the Director of Manitowoc County Emergency Government.

OFFICERS

3.41 Mayor. The Mayor of the City of Manitowoc shall be elected by the voters at large for a term of four years. The office of Mayor shall be a full-time position. The Mayor shall have all powers granted by Chapter 62 of the Wisconsin Statutes.

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

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

3.45 Clerk. The City of Manitowoc shall have a City Clerk with the powers and duties specified in Chapter 62 of the Wisconsin Statutes.

3.46 Finance Director. (1) There is hereby created the Office of Finance Director for the City of Manitowoc.

(2) **Duties.** The Finance Director shall act as the Treasurer for the City of Manitowoc and shall assume all duties of the Treasurer under the Wisconsin Statutes and the Municipal Code. In addition, the Finance Director shall assume the duties of the Comptroller under the Wisconsin Statutes any other provision of the Municipal Code.

(3) Bond Not Required. Pursuant to Section 70.67(2) of the Wisconsin Statutes, the Finance Director shall not be required to give a performance bond and the City of Manitowoc hereby obligates itself by ordinance to pay in case the Finance Director shall fail to do so all taxes of any kind required by law to be paid by the Finance Director to the County Treasurer.

(4) Purchasing Agent. The Finance Director shall act as the Purchasing Agent for the City. All City purchases must be made through the Office of the Finance Director. Purchases of items costing \$500.00 or less, or emergency purchases, may be made by the Purchasing Agent without Common Council or committee approval. All purchases more than \$500.00 and less than \$5,000.00 may be made by the Purchasing Agent on the approval of the respective council committee authorizing such purchase, provided the money for such purchase has been placed in the budget.

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The Purchasing Agent must, wherever feasible, get competitive prices on all purchases and order for the same should be placed with the lowest bidder.

No other city official, city employee, department head or council committee is authorized to make any purchases in any amount whatsoever. Instead, a written requisition must be sent to the Purchasing Agent for any purchase.

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

3.47 Director of Public Works and City Engineer. There is hereby created the Office of Director of Public Works and City Engineer who shall be responsible for all matters relating to construction, management, maintenance and operation of the physical properties of the City, except that the Director of Building Inspection should be responsible for the City Hall and Safety Building. The Common Council may make additional exceptions.

The Director of Public Works and City Engineer shall appoint a subordinate whose title shall be Deputy Director of Public Works and who shall be a graduate civil engineer.

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

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

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

3.49 Assessor. There is hereby created the Office of Assessor who shall have such duties as prescribed by the Wisconsin Statutes and the Common Council.

3.50 Chief of Police. There is hereby created the Office of Chief of Police who shall have such duties as prescribed by the Wisconsin Statutes and the Common Council. The Chief of Police shall be appointed as provided in the Wisconsin Statutes, Section 62.13.

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3.51 Fire Chief. There is hereby created the Office of Fire Chief who shall have such duties as prescribed by the Wisconsin Statutes and the Common Council. The Fire Chief shall be appointed as provided in the Wisconsin Statutes, Section 62.13.

3.52 City Planner. There is hereby created the Office of City Planner who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council.

3.54 Director of Building Inspection. There is hereby created the Office of Director of Building Inspection who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. The Director of Building Inspection shall oversee building, plumbing and electrical inspection in the City of Manitowoc. The Director of Building Inspection shall also act as administrator of housing and zoning ordinances. The Director of Building Inspection shall supervise the Deputy Director of Building Inspection, Electrical Inspector and Plumbing Inspector.

3.56 Recreation and Parks Director. There is hereby created the Office of Recreation and Parks Director who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. The Recreation and Parks Director shall be in charge of the Recreation Department, the Parks Division of the Department of Public Works and the Senior Center.

3.58 Waste Water Treatment Plant Superintendent. There is hereby created the Office of Waste Water Treatment Plant Superintendent who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council.

3.59 Harbor Master. There is hereby created the Office of Harbor Master who shall perform such duties as may be prescribed by the Wisconsin Statutes and the Common Council. (See Wis. Stat. Section 30.37(5)).

3.60 Weed Commissioner. The Mayor is authorized to appoint one or more Weed Commissioners who shall act pursuant to Wis. Stat. Section 66.97 and Section 66.98.

3.70 Qualification for Office and Bond. Every person elected or appointed to any office shall take and file an official oath and provide any required bond as provided for in Wis. Stat. Section 62.09(4). When an officer has filed the oath, and bond, if required, the City clerk shall issue to said officer a certificate of appointment of election.

3.71 Authority Vested. Each and every city officer, board and commission shall have and does hereby vested with all the powers and authority necessary for the performance and execution of the duties of such office, board or commission imposed or required by laws of the State of Wisconsin or any of its lawfully

constituted agencies or by any provision of the Municipal Code of the City of Manitowoc. (See also, Wis. Stat. Section 62.09(7)).

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3.72 Disposal of Abandoned or Unclaimed Property.

(1) (a) Abandoned or Unclaimed Property. Personal property in the custody of the City which has been abandoned or which remains unclaimed for a period of 30 days after the City has taken possession thereof, may be disposed of as provided in this section. Net receipts from sales under this section shall be paid into the City's general fund.

(b) Method of Disposal. The disposal of personal property under this ordinance may be a sale open to the public, a sale bid by contract subject to prior approval of the Public Property and Safety Committee, used in trade on other property to be acquired by the City, or retained for the City's own use.

(c) Records. If the property is not disposed of in a sale open to the public, the Chief of Police shall maintain an inventory of such property, a record of the date and method of disposal, the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for at least two years after the disposal of the property.

3.75 Public Records Management.

(1) Purposes. The purposes of this Ordinance are as follows:

(a) To establish a minimum records retention schedule for records of the City of Manitowoc,

(b) To authorize destruction of City of Manitowoc public records after the minimum retention time has been met,

(c) To comply with the notice requirements to the State Historical Society of Wisconsin established in Wis. Stat. §19.21(4)(d) prior to the destruction of obsolete public records, and

(d) To obtain the consent of the Wisconsin Public Records and Forms Board in the case of records whose retention schedules are for less than seven years.

(2) Definitions. As used in this Ordinance, the following terms shall have the following definitions:

(a) "CR" means the date on which the record was received or created.

(b) "EVT" means the event upon which the record was created or received, except as otherwise noted.

(c) "Legal Custodian" means the individual responsible for maintaining records pursuant to Wis. Stat. §19.33.

(d) "N" means the SHSW must still be notified as provided for in Wis. Stat. §19.21(4)(a) prior to the destruction of the applicable record.

(e) "N/A" means the record is designated for permanent retention and the waiver application to the SHSW is not applicable.

(f) "PERM" means the record shall be retained permanently.

(g) "Record" means a record of the City of Manitowoc as defined in Wis. Stat. §19.32(2).

(h) "SHSW" means the State Historical Society of Wisconsin.

(i) "W" means the SHSW has waived the 60 day notice requirement of Wis. Stat. §19.21(4)(a) for the applicable class of records.

(j) "YR" means December 31 of the year in which the record was received or created.

(3) General Provisions. (a) Notice to State Historical Society of Wisconsin. Wis. Stat. §19.21(4)(a) requires that at least 60 days notice in writing of the destruction of any obsolete public record be given to the SHSW. The statute allows the SHSW, however, to waive such notice upon application. Prior to adoption, this Ordinance shall have been submitted to the SHSW. Where "W" appears in the SHSW Notice column, the SHSW has waived the 60 day notice requirement for the applicable class of records. In the event "N" appears in the SHSW Notice column for a particular record, the SHSW must still be notified as provided for in §19.21(4)(a) prior to destruction of the record. Where "N/A" appears in the SHSW Notice column, the record is designated for permanent retention and the waiver application to the SHSW is not applicable. Notice to the SHSW is also required for any record not specifically listed in (4).

(b) Reproductive Preservation of Records. City of Manitowoc records may be kept and preserved through the use of microfilm or other reproductive devices, as authorized by Wis. Stat. §19.21(4)(c).

(c) Destruction Prohibited After Request for Inspection. Pursuant to Wis. Stat. §19.35(5), this Ordinance does not permit the destruction of any record at any time after receipt of a request for inspection or copying of the record under §19.35(1) until after the request is granted or until at least 60 days after the date that the request is denied. If an action is commenced under §19.37, the requested record may not be destroyed until the time permitted in §19.35(5).

(d) Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.

(e) **Approval by Public Record and Forms Board.** This Ordinance and the retention periods of less than seven years have

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been reviewed and approved by the Wisconsin Public Records and Forms Board.

(4) **Records Retention Schedules.** The following schedule shows the minimum period of time for which the records described herein shall be retained and whether or not notice from the SHSW is required prior to destruction of any particular type of record. As required by Wis. Stat. §19.21(4)(b), any records not covered by this Ordinance shall, except as otherwise provided by law, be retained for a period of at least seven years.

(a) **General Retention Requirements.**

<u>Record Description</u>	<u>Period of Retention</u>	<u>SHSW Notice</u>
1. Except as otherwise noted for any specific governmental bodies, Minutes of Common Council and Other Governmental Body Meetings, including supporting documents	Permanent	N/A
(If minutes are kept on permanent file in the City Clerk's Office, copies of those minutes in individual department offices may be destroyed.)		
2. Records of citizen complaints and inquiries	EVT + 1 year	W
3. Contracts (From completion of contract)	EVT + 7 years	W
4. Individual department payroll records	YR + 7 years	W

(b) **Finance.**

1. **Accounting Records**

Accounts Payable:		
Purchase invoices	YR + 7 years	W
Vouchers	YR + 7 years	W
Accounts Receivable:		
A/R invoices	YR + 7 years	W
Receipts	YR + 7 years	W
Collection blotters	EVT + 1 year (after audit)	W

2. **Budget and Audit Records**

Budget Worksheets	YR + 3 years	W
Final budget	PERM	N/A
Audit reports	PERM	N/A

3. **Journal, Registers and Ledger**

Receipts Journal	YR + 15 years	W
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Voucher/order register	YR + 15 years	W
General Journal	YR + 15 years	W
Journal Voucher	YR + 15 years	W
Appropriation Journal	YR + 15 years	W
Appropriation Journal Voucher	YR + 15 years	W
General Ledger	YR + 15 years	W
Trial Balance	EVT (Until audited)	N
4. Municipal Borrowing Records		
Bond procedure record	EVT + 7 years (after bond issue expires)	W
Bond register	EVT + 7 years (after bond issue expires)	W
Bond payment register	EVT + 7 years (after bond issue expires or following payment of all out- standing matured bonds/ notes/coupons, whichever is later)	W
Canceled bonds, coupons, and promissory notes	EVT (Until audited)	W
Certificates of destruction	EVT + 7 years (after bond issue expires or following payment of all outstanding matured bonds/notes/coupons, whichever is later)	W
5. Payroll Records		
Payroll support records	YR + 2 years	W
Employee's Withholding Allowance Certificate	EVT + 5 years (after being superseded)	W
Employee's Wis. Withholding Exemption Certificate	EVT + 5 years (after being superseded)	W
Employee enrollment and waiver cards	EVT + 2 years (after being superseded or terminated)	W
Employee earning records	YR + 5 years	W
Payroll check register	YR + 5 years	W

Payroll distribution record	YR + 5 years	W
Payroll voucher	YR + 5 years	W
Canceled payroll checks	YR + 5 years	W

Wage and Tax Statement	YR + 5 years	W
Report of Wisconsin Income Tax	YR + 5 years	W
Employer's Annual Reconciliation of Wisconsin Income Tax withheld from wages	YR + 5 years	W
Federal deposit tax stubs	YR + 5 years	W
Quarterly report of federal income tax withheld	YR + 5 years	W
Annual report of federal income tax withheld	YR + 5 years	W
State's quarterly report of wages paid	YR + 5 years	W
Monthly memorandum report	YR + 5 years	W
Quarterly report, payroll summary	YR + 5 years	W
Premium due notices	YR + 5 years	W

6. Purchasing Records

Purchase requisitions	EVT + 1 year (after purchase order issued)	W
Purchase orders	YR + 7 years	W
Receiving report	YR + 7 years	W
Bids, successful	EVT + 7 years (after contract has expired)	W
Bids, unsuccessful	EVT + 1 year (after purchase order issued)	W
Inventory of property	EVT (Retain until superseded)	W

7. Tax Collection Records

Escrow account list	EVT (Retain until superseded)	W
Receipts	YR + 7 years	W

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Receipt stub book	YR + 7 years	W
Tax collection	EVT (Until audited) blotters	W
Statement of taxes remaining unpaid	EVT (Retain with tax roll)	W
Tax settlement receipt	YR + 5 years	W
Municipal treasurer's settlement	YR + 5 years	W
Personal property tax roll	YR + 15 years	N

Room Tax Records YR + 7 years W

8. Treasurer's Records

Cashbook YR + 15 years W
Daily cash drawer
reconciliations EVT + 1 year W
(after audit)
Bank Reconciliations YR + 7 years W
Bank statements YR + 7 years W
Canceled order checks YR + 7 years W
Lists of outstanding
checks YR + 7 years W
Check register YR + 7 years W
Duplicate deposit
tickets EVT + 1 year W
(after audit)
Bank credit/debit
notices EVT + 1 year W
(after audit)
Investment records YR + 7 years W
All receipts YR + 7 years W

(b) Administrative Records.

1. Board of Review Records

Form of objection to
property assessment
and supporting
documentation EVT + 7 years W
(after final action by
board of review or
completion of appeal)
Minute book of
Board of Review CR + 7 years N

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Proceedings of the
Board of Review on
audio tapes or as
stenographic notes
including any trans-
criptions thereof EVT + 7 years W
(after final action
by board of review
or completion of appeal)

Notice of Determina-
tions of the Board
of Review EVT + 7 years W
(after final action by
the Board of Review or
completion of appeal)

2. Election Records

Contents of a blank
ballot box, Unused
ballots and materials EVT +(3 business W
days after the canvas
is completed)

Voter serial number
slips EVT + (14 days W
after a primary)
(21 days after an
election)*

Voting machine
recorders EVT + (14 days W
after a primary)
(21 days after an

	election)*
Detachable recording units on electronic voting equipment	EVT + (14 days after a primary) (21 days after an election)** W
Ballots (state, county local)	EVT + (30 days after the election) W
Ballots (federal offices)	EVT + (22 months after election) W
Applications for absentee ballots (for federal election ballots)	EVT + (90 days after the election) (22 months after the election for federal offices) W
Forms associated with election such as tally sheets, inspector's statements and nomination papers	EVT + (90 days after the election) (22 months after the election for federal office) W
Official canvass statements	EVT + (10 years after the election) W
Registration and poll lists-Nonpartisan primaries and elections	EVT + (2 years after the election for which they were created) W
Registration and poll lists - Partisan primaries and general elections	EVT + (4 years after the election for which they were created) W
Canceled registration cards	EVT + (4 years after cancellation) W

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Election notices	EVT + (1 year after the election) (22 months for federal election) W
Proofs of publication and correspondence relative to publications	EVT + (1 year after the election) (22 months for federal election) W
Campaign registration statements	EVT + (6 years after termination by the registrant) W
Campaign finance reports	EVT + (6 years after date of receipt) W

* The Governor may by order permit the clearing of voting machine recorders before this date if a special election is called.

** Before units can be cleared or erased, the information must be transferred to a disk or other recording medium and retained for 22 months.

3. Fidelity Bond Records

Fidelity Bond	EVT + 5 years (after bond expires) W
Fidelity Bond Book	EVT + 5 years (after last bond expires) W

Oath of Office	EVT + 5 years	W
	(after the term of service covered by the oath has ended)	

4. Insurance Records and Policies

Policy	PERM	N/A
Policy bids, unsuccessful	EVT + 1 year	W
Claims	EVT + 7 years	W

5. Legal Opinions.

PERM	N/A
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6. Real Property Records.

Deeds	PERM	N/A
Opinions of Title	PERM	N/A
Abstracts and Certificates of Title	PERM	N/A

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Notes and Mortgages	EVT + 7 years	W
	(after final payment)	
Title Insurance Policies	PERM	N/A
Plats and Certified Survey Maps	PERM	N/A
Easements	PERM	N/A
Leases	EVT + 7 years	W
	(after termination of lease)	
Vacation or alteration of plat	PERM	N/A

7. Special Assessment Records

Preliminary resolution	CR + 2 years	W
Report on special assessment project	CR + 2 years	W
Waiver of special assessment notice and hearing	EVT + 1 year	W
	(after the final resolution is approved)	
Final resolution	PERM	N/A
Certified special assessment roll	EVT (Retain until all assessments are collected)	W
Statement of new special assessments	CR + 5 years	W
Special assessment payment register	EVT (Retain until all assessments are collected)	W

8. Tax Calculation Records

Tax levy certification of the school district	YR + 3 years	W
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clerk		
Certificates of apportionment	YR + 3 years	W
State shared aid payment notices	YR + 6 years (provided record has been audited)	W
Final worksheet for determining allowable levy	YR + 5 years	W
Statement of taxes	PERM	N/A
Statement of new special assessments	YR + 5 years	W

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Statement of new sewer service charges	YR + 5 years	W
General property tax credit certification	YR + 5 years	W
Explanation of property tax credit certification	YR + 5 years	W
Real property tax roll	EVT (Record is transferred to the County Treasurer)	N
Personal property tax roll	YR + 15 years	N

9. City Council and Other Governmental Body Records

Minute books	PERM	N/A
Audio tapes	CR + 1 year; 90 days if made solely for the purpose of drafting the minutes	W
Ordinances	PERM	N/A
Resolutions	PERM	N/A
Affidavits of Publication	CR + 3 years	W

(c) Inspection, Licenses and Permits.

1. Building Permits and Inspection Records.

Applications and permits	EVT (Life of structure)	W
Code Compliance inspection reports	EVT (Life of structure)	W
Inspection address file	EVT (Life of structure)	W
Certificates of occupancy	EVT (Until superseded)	W
Energy calculation worksheets	CR + 3 years	W

New residential house plans	CR + 3 years	W
State approved commercial building plans	EVT + 4 years	W

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Permit fee receipts	YR + 7 years (provided record has been audited)	W
Permit ledger	CR + 7 years	W
City attorney's case file, copy	EVT + 1 year (after case has been closed)	W

2. Licenses and Permits

Liquor and beer related license application	EVT + 4 years	W
Other license applications	EVT + 3 years	W
Receipts	CR + 4 years	W
License stubs: All liquor and beer related	CR + 4 years	W
Other	CR + 3 years	W
Dog licenses monthly report to County Clerk (by Treasurer)	CR + 3 years	W

(d) Engineering and Public Works Records.

1. Engineering and Public Works Records

Field notes	PERM	N/A
Benchmark books	PERM	N/A
Section corner monument logs	PERM	N/A
Quarter section maps, copies	EVT (Until superceded)	W
Aerial photographs	EVT (Until superceded)	W
City maps	PERM	N/A
Water, storm and sanitary sewer main maps	PERM	N/A
Profile and grade books	PERM	N/A
Excavation plans of private utilities	PERM	N/A
Index to maps	PERM	N/A
Annexation plats	PERM	W
Assessor's plats	PERM	W

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Structure plans for municipal buildings and bridges	EVT (Life of the structure)	N
Annual reports	PERM	N/A
Permits (includes permits for the excavation of streets by private utility companies)	EVT + 3 years	W
Petitions for street and sewer systems	EVT + 2 years	W
Special assessment calculations	EVT + 2 years	W
TV sewer inspection records	EVT (Until superseded)	W
State highway aids program records	YR + 7 years	W

2. Public Works Projects & Contracts

Notice to contractors	EVT + 7 years (after completion of project) EVT + 2 years (for unsuccessful bidders)	W
Certified check	EVT (Retain until contract has been signed and return to bidder)	W
Bid bond	EVT + 7 years (after completion of project) EVT + 2 years (for unsuccessful bidders)	W
Bidder's proof of responsibility	EVT + 7 years (after completion of project) EVT + 2 years (for unsuccessful bidders)	W
Bids	EVT + 7 years (after completion of project) EVT + 2 years (for unsuccessful bidders)	W
Affidavit of organization and authority	EVT + 7 years (after completion of project) EVT + 2 years (for unsuccessful bidders)	W

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Bid tabulations	EVT + 2 years	W
Performance bond & Letters of Credit	EVT + 7 years (after completion of project)	W
Master project files	EVT + 20 years (after life of structure)	W

Blueprints	EVT (Until superseded by the as-built tracings)	W
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As-built tracings	EVT (Life of the project)	N
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3. Street and Highway Records

Street operations file	CR + 2 years After created	W
Street and sidewalk	CR + 25 years maintenance and repair	W
Tree planting, inspection, trimming and removal	CR + 25 years	W
Stock control records	CR + 2 years	W
Fuel usage reports	CR + 2 years	W
Heavy equipment and vehicle	EVT (Life of equipment and/or vehicle inventory ledger or until inventory superseded)	W
Vehicle maintenance histories	EVT (Life of vehicle)	W
Vehicle expense reports	EVT (Life of vehicle)	W
Vehicle usage reports	CR + 2 years	W
Payroll support records	CR + 2 years	W
Purchasing records	CR + 7 years	W
Complaint ledger	CR + 2 years	W
Monthly reports	CR + 3 years	W
Annual reports	PERM	N/A

(e) Municipal Court Records.

Audio tape recordings of trials or juvenile matters	EVT (Until expiration of statute of limitations to appeal to circuit court)	W
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Municipal Court case files	EVT + 6 years (after entry of final judgment)	W
Municipal Court case files, City Attorney's copies	EVT + 6 months (after entry of final judgment)	W
Municipal Court minutes record	EVT + 5 years (after entry of final judgment)	W
Municipal Court record	EVT + 5 years (after entry of final judgment)	W
Municipal Court judgment docket a record of all money judgment	EVT + 20 years (after final docket entry)	W

(f) Parks and Recreation Records.

Master park plan	PERM	N/A
Supervisor's daily report of work completed	CR + 2 years	W
Payroll support records	CR + 2 years	W
Reservation requests	CR + 30 days If payment receipts are attached, CR + 7 years provided record has been audited	W
Master reservation book	CR + 2 years	W
Records of the board of park commissioners (includes minutes of the meetings of the board and supporting documents submitted to the board)	PERM	N/A

(g) Planning Records.

Preliminary sub-division plats	EVT (Until superseded by final plat)	W
Final subdivision plats	PERM	W
House number and address change file	PERM	N/A
Plats	PERM	N/A
Aerial Photographs	PERM	N/A

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(h) Police and Fire Department Records.

Traffic citations (and accompanying documentation) sent through Manitowoc Municipal Court	EVT + 7 year (after closed)	W
Ordinance Citations	EVT + 7 years (after closed)	W
All accounting records	CR + 7 years	W
Electronic recordings of court proceedings which were appealed	CR + 7 years	W
Court statistical reports	CR + 7 years	N
Arraignment calendars	CR + 7 years	W
Warrant and commitment listings	CR + 7 years	W
Municipal Court correspondence	CR + 7 years	W
Electronic recordings of court proceedings which were not	EVT + 6 months	W

appealed		
Personnel records	EVT + 30 years	W
Property inventory records	EVT + 30 years	W
Citizen complaints against police officers	EVT + 30 years	W
Investigation and citation records:		
Arrest records	EVT + 30 years	W
Incident records	EVT + 30 years	W
Fingerprint cards	EVT + 30 years	W
Evidence cards	EVT + 30 years	W
Work schedules	EVT + 30 years	W
Accident reports	EVT + 4 years	W
Investigation reports	EVT + 30 years (from date of closing of investigation)	W
Audio and Video Tape Recordings:		
Police and Fire 911 calls and audio tapes	CR + 1 YR	W
Police video tapes	CR + 120 days	W

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Information teletype messages	CR + 30 days	W
Medical records, re: occupational	EVT + 30 years	W
Training records for exposure control	CR + 3 years	W
(h) Utility Records		
Water stubs	YR + 2 years	W
Receipts of current billings	YR + 2 years	W
Customer's ledgers of municipal utilities	YR + 2 years	W
All other utility record	CR + 7 years	W
Water quality laboratory tests (Deep well and land-fill well water analysis detail and summary reports; chemical and bacteriological analysis of municipal drinking water detail and summary reports; municipal drinking water fluoride analysis; swimming pool water bacteriological analysis; public bathing beach water bacteriological analysis; and water quality control readings	EVT + 5 years (If information has been transferred to a permanent test site location file) EVT + 1 year	W

Maps showing the location and physical characteristics of the utility plant	EVT (Until map is superseded)	W
Engineering records in connection with construction projects	EVT (Until record is superseded or 6 years after plant is retired provided mortality data are retained)	W
Operating records: Station pumpage records	CR + 15 years or EVT + 3 years (after the source is abandoned)	W
Interruption records	CR + 6 years	W
Meter test records	EVT (See s. PSC 185.46)	W

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Meter history records	EVT (Life of meter)	W
Annual meter accuracy summary	CR + 10 years	W
Pressure records	CR + 6 years	W
Customer records: Complaint records Customer deposit	CR + 3 years EVT + 6 years (after refund)	W W
Meter reading sheets or cards	CR + 6 years	W
Billing records	CR + 6 years	W
Filed rates and rules	PERM	W
Analyses of any water samples taken from the water system	EVT + 10 years (pursuant to Wis. Adm. Code NR 109.12)	W

3.80 Code of Ethics.

(1) Declaration of Policy. It is declared that high moral and ethical standards among city officials and employees are essential to conduct of free government; that the Mayor and Common Council believe that a Code of Ethics for the guidance of city officials and employees will help them avoid conflicts of interest, will improve public service and will promote and strengthen the faith and confidence of the people of this city in their city officials and employees.

(2) Definitions. (a) "Financial Interest" shall mean any interest which yields directly a monetary or other material benefit.

(b) "Official" shall mean any official of the City of Manitowoc and shall include the Mayor, members of the Common Council, department heads, and any other person elected to city office, as well as anyone appointed to serve on any city board,

committee or commission, whether or not compensation is received for such service.

(c) "Employee" shall mean any employee of the City of Manitowoc, including full-time, part-time and temporary employees and employees of the Manitowoc Public Utilities.

(3) **Regulated Conduct. (a) Fair and Equal Treatment.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(b) **Use of Public Property.** No official or employee shall request, permit or participate in the unauthorized use of

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city owned vehicles, equipment, materials or property for personal convenience or profit.

(c) **Conflict of Interest.** No official or employee may use his or her public position or office to obtain any financial interest for himself, his or her spouse or legal dependent, or for any business with which he/she is associated.

(d) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such person's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided therein.

(e) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information gained in the course of, or by means of, his or her official position or activities and any way that could result in financial gain for himself or for any other person.

(f) **Gifts and Favors.** No official or employee may solicit or accept, from any person or organization, directly or indirectly, anything of value if it could reasonably be expected to influence such official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any action or inaction relating to such person's office or employment.

(g) **Contracts with City.** No official or employee who in his or her capacity as such official or employee participates in the making of a contract in which such official or employee participates in the making of a contract in which such official or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with city unless within the confines of Section 946.13 of the Wisconsin Statutes, the contract is awarded through a process of public notice and competitive bidding.

(h) **Disclosure of Interest in Legislation.** To the extent known, any member of the Common Council who has a financial interest in any proposed action before the Common Council shall disclose on the records of the Common Council, or the Ethics Board created by this section, the nature and extent of such interest.

Any other official or employee who has a financial interest in any proposed legislative action of the Common Council

and who participates in discussion with or gives an official opinion or recommendation to the Common Council or any subdivision thereof, shall disclose on the records of the Common Council, or the Ethics Board created by this section, the nature and extent of such interest.

(i) Amended by deleting Section 3 (i).

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(j) **Campaign Contributions.** Campaign contributions shall be reported by all candidates for the city office in conformity with the Wisconsin Statutes.

(4) **Ethics Board.** (a) There is hereby created an Ethics Board to consist of five members: one alderman, one city official and three citizens; all appointed by the Mayor, subject to confirmation by the Common Council. The citizen member shall be chosen from the private sector and shall not be affiliated with city government in any capacity, including, but not limited to, employment, appointment or election. Terms of office of these private citizens shall be three years, with one appointment to be made annually. The Ethics Board shall elect its own chairman and vice-chairman, and the City Attorney shall furnish the Board with whatever legal assistance is necessary to carry out its functions. If any member of the Ethics Board petitions the Board for a hearing and advice regarding his or her own conduct, such member shall not be eligible to consider the matter, and an alternate shall be appointed by the Mayor, subject to confirmation by the Council, to substitute therefore when the need arises.

(b) The Ethics Board may make recommendations to the Common Council with respect to amendments to this Code of Ethics.

(c) Upon the sworn statement of any person alleging acts which, if true, would constitute improper conduct under this section, the Board may conduct a public hearing, unless a private hearing is requested by the individual involved, in accordance with all common law requirements of due process. Following such hearing, the Board shall make a determination with written findings of fact and conclusions concerning the propriety of the conduct of the official or employee. If the Ethics Board, by a 4/5 vote, finds that probable cause exists against an individual for a violation of this section, it shall refer the matter for appropriate action to the City Attorney or District Attorney. In making such referral, the Ethics Board shall supply the City Attorney or District Attorney with a written statement of its determination, as well as such documents as it decides to release; but the statements of determination shall not be admissible as evidence in any court.

(d) The Board shall authorize the release to the City Attorney or District Attorney, any information, records, complaint, documents, reports and transcripts in its possession, if such release is material to the matter being investigated or prosecuted by the City Attorney or District Attorney. The accused official or employee cited by the declaration of probable cause may request the Ethics Board to withhold any information, records, documents, reports and transcripts that were placed before the Board on behalf of the accused as part of his/her defense. The Ethics Board shall grant such a request if otherwise permitted by law to do so.

(5) **Advisory Opinions.** When an official or employee has doubts as to the applicability of a provision of this Code, such official or employee may apply, in writing, to the Ethics Board for an advisory opinion. The official or employee shall have the

opportunity to present his or her interpretation of the facts at issue and of the applicability of the Ethics Code before such advisory decision is made. This Code shall apply except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of statutory provision is discretionary, but determined by the Ethics Board to be more appropriate or desirable.

(6) Penalties. Violation of any provision of this section shall be punishable by forfeiture of not more than \$100.00 and, in the case of employees, may constitute cause for suspension, removal or other disciplinary action.

(7) Severability. If any provision of this section is held invalid or unconstitutional, or if the application of this section to any person or set of circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this section which can be given effect without the invalid or unconstitutional provision or application.