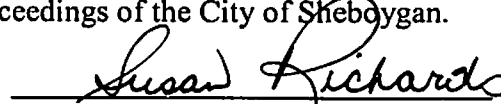


OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
CITY HALL

I hereby certify that this is a true copy of a
document from the Common Council
proceedings of the City of Sheboygan.


City Clerk

Gen. Ord. No. 39 - 16 - 17. (As amended) By Alderpersons Donohue, Wolf,
Thiel, Belanger and Holzschuh. February 6, 2017.

AN ORDINANCE repealing and recreating various sections of the
Municipal Code so as to implement the provisions of Res. 141-16-17
implementing changes to the City of Sheboygan committee, commission, and
board structure, effective April 2017 and April 2018.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-72 of the Municipal Code entitled "Standing
committees" is hereby repealed and recreated to read as follows:

"Sec. 2-72. Standing committees.

(a) The following standing committees of the council shall be
appointed by the mayor, subject to confirmation of the council,
on the third Tuesday of April of each year, or as soon
thereafter as may be possible:

(1) Finance and personnel; five aldermen; *the person appointed
by the mayor to be chair shall be ineligible to serve as Council
President.*

(2) Public safety; five aldermen.

(3) Public works; five aldermen.

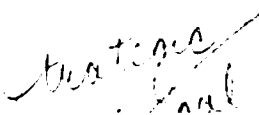
(4) Law and licensing; five aldermen.

(b) Each alderman shall be appointed to at least one but not more
than two of the standing committees. Each committee shall
consist of five members, which shall include a chairman and a
vice-chairman. The chairman and vice-chairman for each committee
shall be designated by the mayor. No alderman shall chair more
than one committee.

(c) A quorum for each committee shall consist of three members."

Section 2. Section 2-397 of the Municipal Code entitled "Director"
is hereby repealed and recreated in sections (a) and (b) thereof to read
as follows:

"Sec. 2-397. Director.


[Illegible handwritten text]

- (a) Qualifications. The director of public works shall be a graduate of an accredited university with a major in civil engineering, public works administration or a closely related field or shall have related experience in public works management.
- (b) Appointment. The director of public works shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

. . ."

Section 3. Section 2-415 of the Municipal Code entitled "City assessor" is hereby repealed and recreated in section (a) thereof to read as follows:

"Sec. 2-415. City assessor.

- (a) Appointment. The city assessor shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

. . ."

Section 4. Section 2-419 of the Municipal Code entitled "Director" is hereby repealed and recreated in section (b) thereof to read as follows:

"Sec. 2-419. Director.

. . .

- (b) Appointment. The director of information technology ("IT") shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

. . ."

Section 5. Section 2-420 of the Municipal Code entitled "Director of human resources and labor relations" is hereby repealed and recreated to read as follows:

"Sec. 2-420. Director of human resources and labor relations.

- (a) Established. The position of director of human resources and labor relations is hereby established for the city service.
- (b) Appointment. The director of human resources and labor relations shall be appointed by the common council based on the recommendation of the city administrator and the mayor.
- (c) Duties and powers.
 - (1) The director shall be responsible for labor contract negotiations, administration of the employee benefit and salary plans, and related work. The director shall make recommendations regarding reorganization and personnel policies to the finance and personnel committee.
 - (2) The director shall be the official upon or with whom all personnel-related notices, requests for hearings, complaints, or other official documents shall be served or filed, except those complaints, notices or other official documents which are prescribed by law to be served upon other city officials.
 - (3) The director shall have access to all necessary records and papers, the examination of which will aid in the disposition of said complaints and notices and in the discharge of the director's duties.
 - (4) The director shall be responsible for such other policies, rules and regulations not inconsistent with this chapter and other personnel-related ordinances as the director deems necessary for its enforcement and administration.
 - (5) The director shall be the administrative officer of the civil service system. The director shall render such additional services in connection with the civil service system or may be requested by the city administrator and common council.
 - (6) The director shall have charge of recruitment, applications for employment, and the examination of applicants for positions, and shall be the custodian of the personnel records."

Section 6. Section 2-428 of the Municipal Code entitled "Residency requirement" is hereby repealed and recreated to read as follows:

"Sec. 2-428. Residency requirement.

- (a) All members of boards or commissions shall be residents of the city and maintain residency in the city while under the employment or service of the city. In the event that any such member of a board or commission does not meet the foregoing requirement, his or her office or position shall be automatically forthwith vacated and such vacancy shall be filled in the manner prescribed by law or ordinance.
- (b) Notwithstanding subsection (a), the residency requirement shall not apply:
 - (1) To members of a business improvement district board who own or occupy real property in the business improvement district.
 - (2) To nonvoting members of advisory committees to the common council.
 - (3) To licensed members of the board of examiners, provided that they hold a current active license for their membership classification and maintain their principal business office or place of employment in the city.
 - (4) To members of the mayor's special international committee residing within the boundaries of the Sheboygan Area School District.
 - (5) To one member of the board of waterworks commissioners who owns real property within and owns or operates a business within the City of Sheboygan.
- (c) Nothing in this ordinance shall prevent the city administrator from inviting non-residents of the city to participate as a member of a team of employees or persons with special expertise whose role shall be to advise the city administrator on matters over which the city administrator may make reports or recommendations to the mayor or common council."

Section 7. Section 2-558 of the Municipal Code entitled "Composition; appointment; terms" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 2-558. Composition; appointment; terms.

- (a) The transit commission shall consist of nine commissioners. Six of the members shall be the mayor, a member of the finance and personnel committee of the common council, a member of the public safety committee of the common council, a member of the public works committee of the common council, the chief of police and the director of city development, who shall be members by virtue of their office. The other commissioners shall be three citizen members.

. . ."

Section 8. Division 9 of Article V of Chapter 2 of the Municipal Code entitled "Collective Bargaining Committee" is hereby repealed.

Section 9. Section 2-726 of the Municipal Code entitled "Composition" is hereby repealed and recreated to read as follows:

"Sec. 2-726. Composition.

The senior activity center commission shall consist of nine voting members, composed of eight citizen members and one council member. The senior activity center supervisor shall be a non-voting ex-officio member. A minimum of three of the citizen members shall be members of the Friends of the Senior Activity Center. The names of the citizen members shall be recommended to the mayor by the SACC, and shall represent a cross-section of the community. Final appointments shall be made by the mayor, subject to approval by the common council."

Section 10. Section 2-727 of the Municipal Code entitled "Appointment" is hereby repealed and recreated to read as follows:

"Sec. 2-727. Appointment.

The citizen members of the senior activity center commission shall serve for a term of three years, and may be reappointed for not more than one consecutive three-year term. After the second three-year term, the individual must remain off the commission for one year before being eligible for reappointment. The council member shall serve a one-year term, to expire at the end of the council year for which the council member was appointed. The mayor may reappoint the council member at his/her discretion, subject to council approval."

Section 11. Division 11 of Article V of Chapter 2 of the Municipal Code entitled "Board of Marina, Park and Forestry Commissioners" is hereby repealed.

Section 12. Division 12 of Article V of Chapter 2 of the Municipal Code entitled "Civil Service Commission" is hereby repealed.

Section 13. Division 13 of Article V of Chapter 2 of the Municipal Code entitled "Board of Housing Appeals and Fair Housing Practices" is hereby repealed.

Section 14. Section 2-901 of the Municipal Code entitled "Goals and objectives" is hereby repealed and recreated to read as follows:

"Sec. 2-901. Goals and objectives.

On or before the date established each year by the common council, the finance and personnel committee of the city shall meet with the city administrator to project goals and objectives to be included in the ensuing budget year."

Section 15. Section 2-937 of the Municipal Code entitled "Finance director/treasurer" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 2-937. Finance director/treasurer.

- (a) Appointment. The finance director/treasurer shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

. . ."

Section 16. Section 26-5 of the Municipal Code entitled "Board of Examiners" is hereby created to read as follows:

"Sec. 26-5. Board of Examiners.

- (a) There is hereby established a board of examiners of contractors in and for the city, hereinafter referred to as the board.
- (b) The board shall consist of five voting members who shall be residents of the city. The members shall be appointed by the mayor and shall be as follows:
- one alderperson, who shall be the chairperson of the board;
 - one electrical contractor who shall be actively established in the electrical contracting business in the city;

- one person who shall be a licensed journeyman electrician, a licensed master electrician, or a regular plant electrician;
 - one licensed heating contractor;
 - one person actively engaged in the general contracting business.
- (c) The mayor shall appoint, subject to common council confirmation, one alternate member of the board who shall be actively engaged in the contracting business, in addition to the five members above provided for. The alternate member shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent.
- (d) The members of the board shall be appointed by the mayor for two-year terms, subject to confirmation by the council. Two of the members shall be appointed on the third Tuesday in April of the even-numbered years, and two members shall be appointed on the third Tuesday in April of the odd-numbered years. The council member shall be elected by the council at its first regular meeting of each year.
- (e) Vacancies on the board shall be filled for the unexpired term in the same manner as for regular appointments. Members shall hold office until their successors are appointed and qualified.
- (f) All members of the board shall have qualified in accordance with the requirements governing their classifications before confirmation by the council.
- (g) Each member of the board shall, before entering upon the discharge of his duties, take and file the official oath.
- (h) Meetings
- (1) The board shall meet at least bimonthly.
 - (2) Special meetings and hearings may be called by the city planner or his designee or by the chairman of the board. The board may consider and decide at any regular or special meeting or hearing, any matter within its jurisdiction.
 - (3) Three voting members of the board shall constitute a quorum for the transaction of business.

- (4) At the May meeting in each year, the board shall elect officers to serve for a term of one year. The officers shall consist of a chairman and a vice-chairman; the city planner or his designee shall act as the secretary.
- (j) The secretary of the board shall keep a record of all the proceedings of the board, together with the necessary registers showing all applications for the examination and license and showing thereon for each the date of application, name, qualifications, place of business, place of residence and whether the application was granted or refused. The books and registers of the board shall be prima facie evidence of all matters recorded therein. The secretary shall prepare a roster of all licensed contractors, and shall file a copy of the same with the city clerk and the inspection office. It shall be his/her duty to promptly notify each of said officers of a revocation or reissuance of a license.
- (k) The board shall have the power to make such bylaws, rules and regulations governing the conduct of its meetings and hearings as it may deem necessary, provided the same do not conflict with the laws of the city and state."

Section 17. Section 26-68 of the Municipal Code entitled "Appointment of inspectors" is hereby repealed.

Section 18. Subdivision II of Division 3 of Article II of Chapter 26 of the Municipal Code, entitled "Board of Examiners," is hereby repealed.

Section 19. Division 3 of Article III of Chapter 26 of the Municipal Code, entitled "Board of Electrical and Heat Examiners," is hereby repealed.

Section 20. Section 26-701 of the Municipal Code entitled "Issuance of order when emergency exists" is hereby repealed and recreated to read as follows:

"Sec. 26-701. Issuance of order when emergency exists.

Whenever the housing inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the zoning board of appeals shall be afforded a hearing in the manner

prescribed in section 26-869. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify it or revoke it."

Section 21. Section 26-703 of the Municipal Code entitled "Abatement of nuisances" is hereby repealed and recreated in subsection (c) thereof, to read as follows:

"Sec. 26-703. Abatement of nuisances.

. . .

- (c) Any person to whom such order is directed shall comply therewith immediately but, upon petition to the zoning board of appeals, shall be afforded a hearing in the manner prescribed in section 26-869. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify or revoke it.

. . ."

Section 22. Section 26-836 of the Municipal Code entitled "Denial; hearing" is hereby repealed and recreated to read as follows:

"Sec. 26-836. Denial; hearing.

Any person whose application for a permit to operate a roominghouse has been denied may request and shall be granted a hearing on the matter before the board of housing appeals and fair housing practices under the procedure provided by section 26-870."

Section 23. Section 26-842 of the Municipal Code entitled "Hearing upon suspension; revocation" is hereby repealed and recreated to read as follows:

"Sec. 26-842. Hearing upon suspension; revocation.

Any person whose permit to operate a roominghouse has been suspended, or who has received notice from the housing inspector that his permit is to be suspended unless existing conditions or practices at his roominghouse are corrected, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that if no petition for such hearing is filed within 20 days following the day on

which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such roominghouse within a reasonable period of time, to be determined by the housing inspector. If an operator's roominghouse permit has been revoked because he has been convicted of letting any dwelling, room or other premises for prostitution or lewdness, the housing inspector shall not subsequently issue a permit to the operator for the operation of any dwelling for which a permit is required in accordance with the provisions of this division."

Section 24. Section 26-869 of the Municipal Code entitled "Petition for hearing" is hereby repealed and recreated to read as follows:

"Sec. 26-869. Petition for hearing.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article excluding division 3 of this article, or of any rule or regulation adopted pursuant thereto, excluding division 3 of this article, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that such person shall file in the office of the housing inspector a written petition requesting such hearing and setting forth a statement of the grounds therefor within 20 days after the day the notice was served. Within ten days of receipt of such petition, the zoning board of appeals shall set a time and place for such hearing and shall give the petitioner written notice. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the zoning board of appeals shall be commenced not later than 30 days after the date on which the petition was filed; provided, however, that upon written application of the petitioner to the zoning board of appeals, the zoning board of appeals may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement. Any notice served pursuant to division 2 of this article shall automatically become an order if a written petition for a hearing is not filed in the office of the housing inspector within 20 days after such notice is served. The zoning board of appeals shall have the power to administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this article."

Section 25. Section 26-871 of the Municipal Code entitled "Sustaining, modifying or withdrawing notices" is hereby repealed and recreated to read as follows:

"Sec. 26-871. Sustaining, modifying or withdrawing notices.

After hearing, the zoning board of appeals shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with. The zoning board of appeals may also modify any notice so as to authorize a variance from the provisions of this article when, because of special conditions, literal enforcement of the provisions of this article will result in practical difficulty or unnecessary hardship; provided, that the spirit of this article will be observed, public health and welfare secured, and substantial justice done. If the zoning board of appeals sustains or modifies such notice, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the zoning board of appeals."

Section 26. Section 26-872 of the Municipal Code entitled "Review by circuit court by certiorari" is hereby repealed and recreated to read as follows:

"Sec. 26-872. Review by circuit court by certiorari.

The hearing proceedings, including the findings and decision of the zoning board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the housing inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the zoning board of appeals shall then be served, in the manner prescribed under division 2 on the person who filed the petition for hearing. Any persons, jointly or severally, aggrieved by the decision of the zoning board of appeals, or any taxpayer, or any officer, department, board or bureau of the city, may seek relief therefrom by having the decision reviewed by the circuit court by certiorari, if the petition for the writ is presented to the court within 20 days after the date on which the zoning board of appeals decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies the zoning board of appeals, within ten days after the zoning board of appeals decision was served on him, of his intentions to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal, in whole or in part, or does not comply with the provisions of section 26-871, specifying the grounds thereof."

Section 27. Section 34-92 of the Municipal Code entitled "Administrative duties" is hereby repealed and to read as follows:

"Sec. 34-92. Administrative duties.

The cemetery and parks supervisor shall employ necessary help; shall have charge and care of the cemetery buildings and equipment, the selling

of lots and graves, the keeping of records of interment and orders for work on private lots; and shall have charge of all funerals entering the cemetery."

Section 28. Section 46-1 of the Municipal Code entitled "Definitions" is hereby repealed and to read as follows:

"Sec. 46-1. Definitions.

The words, terms and phrases used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the City Plan Commission.

Complainant means a person who files a complaint alleging discrimination in housing.

Disability means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. Disability does not include the current illegal use of a controlled substance, as defined in W.S.A. § 961.01(4), or a controlled substance analog, as defined in W.S.A. § 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

Discriminate means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in section 46-3 or 46-4 because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

Dwelling unit means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.

Family includes one natural person.

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.

- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
- (3) A person's household includes one or more minor or adult relatives.
- (4) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
- (5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Hearing means a hearing under the jurisdiction of the board, except where otherwise indicated.

Housing means any improved property, or any portion thereof, including a mobile home as defined in W.S.A. § 101.91(10), manufactured home, as defined in W.S.A. § 101.91(2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. Housing includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

Housing for older persons has the meaning as defined by federal or state law.

Probable cause means reasonable grounds to believe that one or more persons has, may have, or may be violating one or more provisions of this chapter.

Respondent means the person accused in a complaint of discrimination in housing filed with the board.

Sexual orientation has the meaning given in W.S.A. § 111.32(13m).

Status as a victim of domestic abuse, sexual assault, or stalking means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in W.S.A. § 813.12(1)(am), sexual assault under W.S.A. §§ 940.225, 948.02, or 948.025, or stalking under W.S.A. § 940.32.

Section 29. Section 46-41 of the Municipal Code entitled "Administration-Powers and duties" is hereby repealed and recreated to read as follows:

"Sec. 46-41. Administration-Powers and duties.

- (a) The purposes and provisions of this chapter shall be administered by the plan commission and, where necessary, the city attorney.
- (b) In administering this chapter, the plan commission shall have the power and duty to:
 - (1) Adopt, amend, publish and modify any and all administrative policies and procedures as may, from time to time, be necessary, useful, helpful, or desirable in the administration and/or enforcement of this chapter;
 - (2) Appoint such number and types of employees, agents and staff, subject to a table of organization and budget approval by the common council, as are necessary to promote the purposes of this chapter and/or the administration and/or enforcement of this chapter, and prescribe their duties;
 - (3) Receive, initiate and investigate complaints alleging any discrimination or discriminatory practice prohibited by this chapter if the complaint is filed with the board not later than one year after the alleged discrimination occurred or terminated;
 - (4) Appoint, from time to time, subject to a table of organization and/or budget approval by the common council, one or more investigators to gather facts, evidence and information, and otherwise investigate complaints, and/or one or more mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of information conferences or other meetings or means;
 - (5) Refer settlement agreements to the city attorney for approval as to form;
 - (6) If necessary, hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; administer oaths and take testimony; compel the production of books, papers and any

other documents relating to any matters involved in the complaint; and subpoena witnesses and compel their attendance. If a witness either fails or refuses to obey a subpoena issued by the board, the board may order attendance. At any time after it has issued such an order, the board may petition a court of competent jurisdiction for its enforcement;

- (7) Issue, after hearing, such final orders as are necessary to promote the purpose of this chapter;
- (8) Issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action that would tend to render ineffective or unenforceable any order which the board might issue;
- (9) Refer orders to the city attorney to be enforced by him in the name of the city;
- (10) Except as provided in W.S.A. §§ 19.31, et seq., or 106.50, make available to the public, in writing, copies of:
 - a. Transcripts of all of its proceedings except initial settlement efforts by its mediators;
 - b. All temporary and final orders; and
 - c. All decisions and opinions rendered.

No publicity, however, shall be given a complaint in those cases where the board obtains compliance with this chapter or the board finds that the complaint is without foundation;

- (11) Require a written report of the manner of compliance with any final order it may issue; and
- (12) Recommend to the mayor and common council any legislation necessary to further promote the purposes of this chapter and file annual written reports of its work to the mayor and common council."

Section 30. Section 46-67 of the Municipal Code entitled "Investigation and finding of probable cause" is hereby repealed and recreated to read as follows:

"Sec. 46-67. Investigation and finding of probable cause.

- (a) The board or its designated agent shall investigate all complaints that allege a violation of this chapter and that are timely filed. The board or its designated agent may subpoena persons or documents for the purpose of investigation.
- (b) At the conclusion of the investigation of the allegations, the board or its designated agent shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur.
- (c) If a determination is made that there is no probable cause to believe discrimination in violation of this chapter has been or is being committed, the complainant shall be afforded an opportunity to appeal such decision to the full plan commission. If the full board decides there is no probable cause, the complainant may appeal to either:
 - (1) A court of competent jurisdiction for the county in which the alleged discrimination took place; or
 - (2) A court of competent jurisdiction for the county in which the property or property interest in question is located.
- (d) If a determination is made that there is probable cause to believe discrimination in violation of this chapter has been or is being committed, an agent designated by the plan commission shall endeavor, by means of conference, conciliation or persuasion, to eliminate the alleged discrimination or discriminatory practice."

Section 31. Section 46-68 of the Municipal Code entitled "Hearing on failure to settle" is hereby repealed and recreated to read as follows:

"Sec. 46-68. Hearing on failure to settle.

When efforts at settlement have failed to eliminate the discrimination or discriminatory practice alleged by the complainant under this chapter, the plan commission shall promptly cause to be issued a notice of a hearing before a hearing examiner, acting as an agent of the board, to determine the merits of the complaint."

Section 32. Section 46-69 of the Municipal Code entitled "Findings of examiner" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 46-69. Findings of examiner.

. . .

- (b) If, after hearing and on the basis of the official record made therein, the examiner finds by a fair preponderance of the evidence that the respondent has engaged in or is engaged in any discrimination prohibited by this chapter, he shall make and recommend to the plan commission written findings of fact and conclusions thereon and shall recommend such action to be taken by the respondent and, where necessary, by the complainant, as will effect the purposes of this chapter by eliminating the discrimination found.

. . ."

Section 33. Section 46-70 of the Municipal Code entitled "Appeal from examiner's findings" is hereby repealed and recreated to read as follows:

"Sec. 46-70. Appeal from examiner's findings.

Under this chapter, if within 30 days following the mailing of the examiner's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full plan commission. The board shall have the power to affirm, reverse or modify the determination of the hearing examiner. After final determination by the board, either party may appeal by certiorari to a court of competent jurisdiction. In the alternative, either party may receive a trial de novo on all issues relating to any alleged discrimination and a further right to a trial by jury."

Section 34. Section 46-71 of the Municipal Code entitled "Transfer of proceedings" is hereby repealed and recreated to read as follows:

"Sec. 46-71. Transfer of proceedings.

At any time after a finding of probable cause under this chapter, the plan commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself."

Section 35. Section 46-72 of the Municipal Code entitled "Judicial enforcement" is hereby repealed and recreated to read as follows:

"Sec. 46-72. Judicial enforcement.

Whenever, in the judgment of the plan commission, judicial enforcement of a board order is necessary to enforce this chapter, the board shall in writing request the city attorney to commence proceedings

in a court of competent jurisdiction to enforce such orders in the name of the city. Upon receipt of any such request, the city attorney shall have the duty to seek enforcement of such orders in a court of competent jurisdiction."

Section 36. Section 46-73 of the Municipal Code entitled "Remedies" is hereby repealed and recreated to read as follows:

"Sec. 46-73. Remedies.

- (a) The plan commission shall have the power and duty, after investigation and hearing, to issue and implement such orders as may be necessary to effect the purposes of this chapter. Such orders may include the following:
 - (1) Cease and desist orders;
 - (2) Affirmative action by the respondent and, where necessary, by the complainant; and
 - (3) Any other orders which may be necessary to effect the purpose of this chapter.
- (b) Any of the orders of the board shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal."

Section 37. Section 82-2 of the Municipal Code entitled "Medical Insurance" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 82-2. Medical insurance.

. . . .

- (b) Payment of premiums. Such employees shall pay monthly, via direct deposit, the entire rate for medical plan coverage, as established from time to time by the city or its insurance carrier to the finance director/treasurer on or before the fifteenth day of the month preceding coverage, and will not benefit by any city contributions except where otherwise provided for in ordinances, resolutions or labor agreements. Upon failure to pay by the fifteenth, or if the direct deposit rejects, a late payment fee of \$50.00 shall be added to the established premium. Failure to pay the premium and late payment fee by the last day of the month shall result in termination from the plan effective the first day of the following month,

absent extraordinary circumstances totally beyond the control of such employee as determined by the common council upon recommendation of the finance and personnel committee.

. . ."

Section 38. Section 82-3 of the Municipal Code entitled "Residency requirement" is hereby repealed.

Section 39. Section 82-25 of the Municipal Code entitled "Hiring of new employees generally" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 82-25. Hiring of new employees generally.

(a) When any department head learns that a vacancy has occurred or is about to occur in any full-time position in the city service in his or her department, except those employees of city boards, utilities or authorities, he or she shall forward a written request, along with the city administrator's recommendation, justifying the filling of the vacancy to the human resources department. If the position is already part of the department's table of organization and included in the budget, the human resources department may proceed with the hiring process and fill the position. If the position is not budgeted, approval needs to be granted by the finance and personnel committee. Within 30 days after receipt of such request, the finance and personnel committee shall approve or reject the request in writing. If refused, the reason should be stated for such refusal. Any department head may appeal any decision made under this section to the common council. If approved by either the finance and personnel committee or the common council, certification shall be made in accordance with the following procedure:

(1) When filling a vacancy by selection of an eligible candidate from a list established on the basis of an open competitive examination, the appointing authority, subject to the approval of the director of human resources and labor relations, may specify requirements of particular experience, education, skill and/or physical requirements necessary for successful performance. The director of human resources and labor relations shall certify the name or names of those persons categorized as best qualified to fill the vacancy in accordance with these requirements. The appointing authority shall make the appointment from those certified.

- (2) In promotional examinations, appropriate consideration shall be given to employee qualifications, record of performance and ability.
- (3) For protective service vacancies, the selection shall be in accordance with police and fire commission regulations and any labor agreement.
- (4) The appointing authority, subject to the approval of the director of human resources and labor relations, may make a provisional appointment from an eligible list in accordance with items (1) or (2) of subsection (a) even though the incumbent has not yet vacated the position provided approval has been received in accordance with subsection (a). The eligible person so appointed will be accorded all the benefits of a regular appointee and shall retain all rights of certification to the permanent appointment.

. . ."

Section 40. Section 82-29 of the Municipal Code entitled "Class specifications-Amendments" is hereby repealed and recreated to read as follows:

"Sec. 82-29. Class specifications-Amendments.

Class specifications for newly created positions shall be approved by the common council. Any additions or deletions in the class specifications which change the class grade or any substantive changes in the minimum requirements of existing positions shall also be approved by the common council. Other changes in the class specification shall be made by the finance and personnel committee."

Section 41. Section 82-61 of the Municipal Code entitled "Elected Officials" is hereby repealed and recreated to read as follows:

"Sec. 82-61. Elected officials.

The finance and personnel committee shall recommend for common council approval the initial salary for all full-time elective positions and any and all in-term increases for same at least 13 months prior to the election date for each office. The common council shall act on such recommendations and establish the salaries for full-time elective positions not later than the final meeting of the council year preceding the year of election."

Section 42. Section 82-63 of the Municipal Code entitled "Starting rates on initial employment" is hereby repealed and recreated to read as follows:

"Sec. 82-63. Starting rates on initial employment.

Original hires who have all the qualifications to any position shall be offered the minimum pay for that position. In the case where a potential employee has the majority of qualifications, that employee may be offered an amount less than minimum until the point that he/she achieves the qualification, at which time the employee will be brought to the minimum. In the case an employee is hired who already has advanced training and/or experience required for a position, the initial rate offered upon hire may be greater than minimum but will be within the range of a position. At any time a salary offer is identified that is greater than midpoint of a salary range, the director of human resources and labor relations must attain advance approval from the finance and personnel committee. At no time will an employee receive greater than the top pay in a salary grade."

Section 43. Section 82-67 of the Municipal Code entitled "Increases in compensation" is hereby repealed and recreated is subsection (a) thereof to read as follows:

"Sec. 82-67. Increases in compensation.

- (a) The director of human resources and labor relations has the authority to identify minor adjustments to position descriptions without approval from the finance and personnel committee and/or council. However, major changes in position descriptions which subsequently modify the salary grades to city employees, including department heads and supervisory personnel, shall be approved by both the finance and personnel committee and by the common council.

. . ."

Section 44. Section 82-93 of the Municipal Code entitled "Training leave" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 82-93. Training leave.

. . .

- (b) (1) For periods not to exceed three calendar weeks in any one calendar year, with the approval of the city administrator.

- (2) For periods exceeding three calendar weeks but not exceeding 12 calendar weeks, upon the recommendation of the city administrator, subject to the approval of the finance and personnel committee."

Section 45. Section 86-92 of the Municipal Code entitled "Appointment" is hereby repealed and recreated to read as follows:

"Sec. 82-92. Appointment.

The director of planning and development shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure."

Section 46. Section 138-4 of the Municipal Code entitled "Municipal sealer" is hereby repealed and recreated to read as follows:

"Sec. 138-4. Municipal sealer.

A municipal sealer/inspector position is established in the department of city development. The selection of the municipal sealer/inspector shall be from a list of applicants whose qualifications have been certified by the state, pursuant to civil service rules and regulations."

Section 47. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication and as of April 18, 2017.

Donohue / Bohren
Act Ad
Ord pass
BAWTT:
motion by Bohren / Heidemann to
amend to include in Section 1,
Sec 2-72(a)(1) "Finance & personnel;
five aldermen; the person appointed
by the Mayor to be chair shall
be ineligible to serve as Council
President" was passed all ayes
motion by Donohue / Bohren to
pass ordinance, as amended.
was passed, all ayes.

My Lynne Horolka

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the
Common Council of the City of Sheboygan, Wisconsin, on the 5th day of
April, 2017.

Dated April 12 2017. Susan Richards, City Clerk
Approved April 12 2017. Michael Wardenst, Mayor

Proceedings Published April 15, 2017.
Ordinances Published April 15, 2017.
Certified April 12, 2017 to - Atty.; Ord. Book; Muni Code; Mayor; Dept.
Heads