

CHAPTER 4
BOARDS AND COMMISSIONS

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4.01 **BOARD OF POLICE AND FIRE COMMISSIONERS.** There shall be a Board of Police and Fire Commissioners constituted in the manner prescribed by law and with such powers and duties as are prescribed by law.

4.02 **BOARD OF HEALTH.** There shall be a Board of Health created in the manner set forth in Chapter 8 of the South Milwaukee Code and with such powers and duties as are prescribed by law or by ordinance of the City of South Milwaukee and by the rules and regulations of the State Board of Health.

4.03 **WATER/WASTEWATER COMMISSION.** There shall be a Water/Wastewater Commission created in the manner set forth in Chapter 10 of the South Milwaukee Code and with such powers and duties as prescribed by law or by ordinance of the City of South Milwaukee.

4.04 **WATER/WASTEWATER COMMISSION.** There shall be a Water/Wastewater Commission created in the manner set forth in Chapter 11 of the South Milwaukee Code and with such powers and duties as are prescribed by law or by ordinance of the City of South Milwaukee.

4.05 **BOARD OF PUBLIC WORKS.** The Board of Public Works provided for by Section 62.14 of the Wisconsin Statutes is hereby dispensed with and the duties and powers otherwise exercised by said Board and as provided by statute shall be exercised by the Common Council Committee on Public Works. Am. 09/07/71, 925

4.06 BOARD OF REVIEW. Rep. & Recr. 04/16/74, 987

- (1) The Board of Review in and for the City of South Milwaukee shall consist of five residents of the City of South Milwaukee, none of whom shall occupy any public office or be publicly employed by the City of South Milwaukee.
- (2) The five resident members shall be appointed by the Mayor, with the approval of the Common Council, and shall hold office as members of the Board for five years and until their successor are appointed and qualified. The first appointment shall be for one, two, three, four and five years respectively.
- (3) The salary of each member of the Board of Review shall be as fixed by the Common Council. Rep. & Recr. 04/21/98, 1705
- (4) Pursuant to Wis. Stats. Sec. 70.47(7)(c) the board of review is authorized to grant a taxpayer a 60-day extension for a hearing related to the taxpayer's objection submitted under Sec. 70.47 provided the taxpayer submits with the objection a request to the board for an extension and pays the fee specified in Wis. Stats. Sec. 70.47(7)(c). The board of review procedure and extension shall be governed by the terms of Wis. Stats. Sec. 70.47(7)(c) and 70.47(8)(d) and (j). The city assessor shall follow the procedure dictated in Wis. Stats. Sec. 70.47(7)(c). Created 4/15/08, 1966
- (5) (a) Pursuant to Wis. Stats. Sec. 70.47 (7) (af) income and expense information provided by a property owner to the assessor for the purpose of establishing a valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Wis. Stats. Sec. 19.35 (1).
 - (b) Exceptions. Disclosure of such income and expense information may be made in the following circumstances:
 1. To or by the assessor in the course of his/her duties.
 2. To or by the board of review in connection with its review of any assessment.
 3. To persons using the information in the discharge of duties imposed by law or of the duties of their office, including as necessary to attorneys or expert witnesses acting on behalf of the City in defense of any claim of excessive assessment under Wis. Stats. 74.37 as well as to any board or court reviewing such a claim.
 4. Pursuant to an order from a court.

4.07 CITY PLAN COMMISSION.

- (1) MEMBERS. Pursuant to Wis. Stat. 62.23(1), the City of South Milwaukee Plan Commission shall consist of 7 members. Four citizen members of the Commission shall be appointed by the mayor. The citizens will preferably be one from each aldermanic district.
 - a. The mayor shall be a member and shall be the presiding officer during his/her term of office.
 - b. An Alderperson member shall be selected by 2/3 vote of the Common Council and shall serve during his/her term of office.
 - c. An appointed or elected city official shall be selected by 2/3 vote of the Common Council to serve as a voting member. The appointed official shall serve until removed or replaced by a majority vote of the Common Council or the elected official shall serve during his/her term of office.

- d. Citizen members shall be persons of recognized experience and qualifications. The citizen members of the commission shall be appointed to hold office for a period of three (3) years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.
 - e. In the event that the Council selects an appointed or elected official other than the City Engineer to serve on the Commission, the City Engineer shall attend all meetings of the Plan Commission but shall not be a member.
- (2) MEETINGS. The Commission shall meet at least once each month when there is business requiring its attention. Commission meetings shall be at such regular time and place as the Commission shall determine. Special meetings shall be held when called by the presiding officer. A majority of the members shall constitute a quorum. The commission may adopt such meeting and public hearing rules and procedures, not in conflict with State Statutes and City Ordinances, as it shall determine will best serve it. The commission may appoint a secretary.
- (3) The Commission shall have such powers and duties as are prescribed by law or ordinance of the City of South Milwaukee. It shall consider and speedily report thereon to the Common Council any subject or matter that may be referred to the Commission by the Common Council. The Common Council shall refer to the Commission for its consideration and report before final action is taken thereon by the Council, those matters required to be referred by State Statute and other matters as determined by the Common Council or the ordinances of the City. Am 04/21/98, 1705
- (4) The Plan Commission shall act as the primary body charged with redevelopment of the blighted areas of the City and redevelopment of those areas otherwise designed by the Common Council in need of redevelopment. All the contractual duties and obligations as well as all the rights and contractual authority previously vested in the Community Development Authority are hereby vested and transferred to the Plan Commission. The Plan Commission is hereby designated as the primary authority for the exiting TIF districts and it shall undertake all the duties with respect to the TIF districts formerly undertaken by the Community Development Authority including management of the development of the TIF districts in a fashion which will result in a return of the investment which the City has made in those districts. The limitations on the authority of the CDA with respect to redevelopment shall apply to the Plan Commission in its redevelopment efforts. These limitations include the following actions which the Plan Commission shall not take without specific authorization of the Common Council by motion or resolution as may be appropriate:
- 1. issue bonds, execute notes or other form of indebtedness,
 - 2. take over, lease or manage any real property,
 - 3. take property by an exercise eminent domain,
 - 4. buy or sell any lands or real estate of any kind,
 - 5. mortgage any property,
 - 6. enter into any development agreements except as the Common Council has previously authorized the Community Development Authority in which case the Plan Commission may act with all the authority the Community Development Authority previously could have acted,
 - 7. designate any lands as blighted or in need of redevelopment, except as previously designated by the Common Council.

4.08 WATER/WASTEWATER COMMISSION. Created 12/6/11, 2037

(1) **MEMBERS – TERMS.** There is hereby established a non-partisan Water/Wastewater Commission to consist of seven members plus one alternate, who shall be eligible to vote at any meeting when any of the regular members are absent, to be known as Water/Wastewater Commissions. The Commissioners shall be elected by the Common Council of the City of South Milwaukee for a term of five years except that the terms of the Commissioners first elected shall expire successively two each year for the first three years and then one each year on each succeeding first day of October. The Commissioners shall receive no compensation, except expenses, unless otherwise provided by ordinance.

(2) **DUTIES.** The Water/Wastewater Commission shall take entire charge and management of the Water Utility/Water Department and the Wastewater Department of the City of South Milwaukee, under the general control and supervision of the Common Council. The Commission shall request the services of the City Engineer when needed. The Commission shall follow all City Policies, Procedures and applicable labor rules and contracts. When the common Council deems it appropriate, the Common Council shall directly manage, initiate or terminate such projects or actions as it deems appropriate and may enter into any contract the Council deems appropriate to the work of either department.

(3) **RATES.** Whenever necessary the Commission shall make recommendations to the Common Council for changes in the water rate and shall, when required, apply to the Public Service Commission for approval of rate changes which the Common Council has adopted. Whenever necessary, the Commission shall recommend changes in the sewer user fees. Annually the Commission shall cause to be prepared and presented to the Common Council a report of operations of the Water Utility and Wastewater Department.

(4) **BUDGET.** Annually before October 1, the Commission shall forward to the Common Council a proposed budget for the following year. The budget shall show all anticipated revenues, liabilities and expenditures including contingency accounts as well as anticipated year end balances of current accounts. Approval of the budget by the Common Council will authorize expenditures within the budget. Contingency expenditures may be authorized by the Commission when necessary provided such expenditures do not exceed the contingency account(s) balances. All capital expenditures which require the borrowing of money or issuance of bonds shall be submitted to the Common Council for approval prior to the execution of any commitment for such expenditure and capital funds shall not be used for operational expenses.

(5) **EMPLOYEES.** Appointment to the position(s) of Superintendent of the Water Utility and Wastewater Department shall be made by the Common Council. The Commission shall recommend to the Common Council the employment of management employees. Employment of non-management employees shall be subject to the rules and procedures adopted by the Common Council and Civil Service Commission. Wages and benefits for all employees of the Water Utility and Wastewater Department shall be as established by the Common Council

(6) **ACCOUNTS.** Books of account shall be kept in the manner and form prescribed by the Public Service Commission and/or City Clerk/Comptroller and shall be open to public inspection at the Commission's office. Capital expenditures which have been budgeted shall be audited by the Commission, and if approved, shall be submitted to the City Clerk/Comptroller for payment upon warrant signed by the President and Secretary of the Commission or direct representative thereof. The City Treasurer shall be the cashier for the Commission and all water and wastewater accounts shall be payable at his/her office.

(7) **OFFICERS-MEETINGS.** The Commission shall choose from among its members a President and Secretary annually at the first meeting in November of each year. Meetings shall be held when determined by the Commission.

(8) **LIMITATION OF POWER.** Subject to the previous provisions of this ordinance, the Commission shall have complete charge of construction, extension, improvement and operation of the Water Utility and Wastewater Department.

4.10 **BOARD OF ZONING APPEALS.** There shall be a Board of Zoning Appeals created in the manner set forth in Chapter 15 of the South Milwaukee Code and with such powers and duties as are prescribed by law or by ordinance of the City of South Milwaukee.

4.12 **CIVIL SERVICE COMMISSION AND GRIEVANCE PROCEDURE.** Rep. & Recr. 03/02/93, 1529, Amended 9/30/11, 2029

I. THE CIVIL SERVICE COMMISSION COMPOSITION, DUTIES, RULES AND POLICIES:

(A) CIVIL SERVICE COMMISSION MEMBERS.

(1) A Civil Service Commission is hereby created for the City of South Milwaukee pursuant to Section 66.0509 of the Wisconsin Statutes.

(2) The members of the Civil Service Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall hold office as hereinafter provided until removed for cause by a majority vote of the Common Council after a hearing and submission of complaint in writing. Said Commissioner shall serve without remuneration.

(3) The Civil Service Commission shall consist of five members, legal residents of the City of South Milwaukee. No person holding an elective office shall be appointed to serve on said Commission.

(4) The initial appointments shall be made for terms of one, two, three, four and five years respectively, and subsequent appointments made for a term of five years. Terms of office shall commence on the first day of July, and in case of a vacancy on said Commission, the office shall be filled for the unexpired term by appointment by the Mayor with confirmation by the common Council.

(5) Every member of said Commission shall take and file the official oath.

(6) The Commission shall annually appoint one of the members as Chairman and another as Secretary of said Commission.

(7) The City Clerk shall, if requested, furnish stenographic help and shall furnish the necessary supplies to enable said Commission to carry out its appointed functions.

(8) The Commission shall keep, supervise, and preserve in the Office of the City Clerk the record of all examinations, hearings, minutes, etc., and other records of its own proceedings.

(9) The Commission shall conduct, in general, written or physical examinations of qualified applicants, establish eligibility lists, and determine the fitness of applicants for respective positions in the City government. A qualified applicant is an applicant that meets the minimum qualifications as set forth in the Common Council approved job description.

(10) Employees under the jurisdiction of the Police and Fire Commission shall not be included in the Civil Service Program. Subject to any applicable statutory limitations, the Common Council shall make appointments to the following professional positions: City Administrator, City Engineer, Water and Wastewater Superintendent(s), Library Director, Public Health Administrator, Environmental Health Specialist/Sanitarian, Medical Advisor, Senior Center Director, Street Superintendent, Assistant Street Superintendent, Assistant Library Director, Assistant to the WWTF Superintendent,

Water Utility Office Manager, Engineering & Inspection Supervisor, GIS/Surveying Technician, Public Health Nurse, and any position where minimum qualifications include a professional degree. Where the professional position is one which routinely reports to a Board or Commission, the applicable Board or Commission shall conduct the initial review of applicants for the position and shall recommend the appointment of the best suited candidate to the Common Council and the Common Council may accept or reject the recommendation.

(B) CLASSIFIED AND UNCLASSIFIED SERVICE.

(1) The following positions shall constitute the unclassified service of the City and shall be exempt from the provisions of these rules and policies.

(a) All elected officials.

(b) All members of Boards and Commissions

(c) Seasonal employees, interns, traffic crossing guards and library pages. 10/1/13, 2073

(d) Temporary and emergency employees authorized by the Mayor.

(e) All professional positions.

(f) All members of the Police and Fire Departments under the jurisdiction of the Mayor and Police and Fire Commission.

(2) The classified service shall include all other positions now existing or permanent positions hereafter created, and the provisions of these rules and regulations shall apply thereto.

(C) COMMISSION TESTING RULES.

(1) The Civil Service Commission shall prepare or cause to be prepared and revised as needed, rules covering the following:

(a) Applications for employment;

(b) Preparation, conduct and scoring of examinations;

(D) EXAMINATION OF APPLICANTS.

(1) The Civil Service Commission shall conduct written, oral and/or performance examinations to determine the fitness of applicants for all positions in the classified service. The Civil Service Commission shall refuse to examine an applicant, or shall after examination remove his/her name from the employment list, if the said applicant for any reason fails to meet the qualifications established for the class of position for which he/she applies. Amd. 7/17/12, 2054

(2) All examinations shall be public, competitive, and open to all applicants who, based on their qualifications are eligible to appointment to any position within the class for which such examinations are held, within the limitations specified in these rules and regulations, the classification plan, and the rules promulgated by the Civil Service Commission. All examinations shall be so designed as to determine fairly the capacity of the persons examined to perform the essential job functions of the position to be filled. Applicants may be disqualified during the test for being disruptive or cheating on the test. Applicants may be disqualified for any misrepresentation on the application or any misrepresentation made during the pre-employment process.

(3) No questions in any examination shall relate to religious or political opinions or affiliations.

(4) To assist them in their duties, the Civil Service Commission shall have the right, whenever they deem necessary, to appoint Examining Committees who are experienced in the particular field or line of work for which the applicants for positions are being examined. The Civil Service Commission shall review the findings of the Examining Committee and give due consideration to such findings when submitting eligibility lists.

(5) Examination of Applicants.

(a) Announcement. All examinations for positions in the classified service shall be published by posting announcements in the City Hall, on official bulletin boards, and in such other places and through such other media as the Civil Service Commission deems advisable. The announcements shall specify the title and wage range of the class for which the examination is announced; the time, place, and manner of making applications; closing date of receiving applications; and other pertinent information.

(b) Competitive Examinations.

(i) Subject to such labor contracts as may apply, all appointments and promotions in the classified service of the City shall be made according to merit and fitness to be ascertained by competitive examinations. Such examinations shall be prepared by, or under, the direction of the Civil Service Commission, with the assistance of an Examining Committee, if necessary, or the Department Heads when deemed advisable by the Civil Service Commission. Examinations shall relate to those matters which will test fairly the capacity and fitness of the applicants to discharge efficiently the essential job functions of the positions(s) for which the examinations are held. Examinations may include written, oral, (which may be an interview process), physical or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical abilities, or any other qualifications which measure the applicant's ability to perform the essential job functions of the position sought. All reasonable accommodations will be made to any applicant with a disability to ensure such individual is given a fair test opportunity. In order to avoid the possibility of discrimination, the identity of applicants will be concealed in all examinations. The Civil Service commission may require applicants to submit proof of their military service at the time of the examination and will keep a record of this information. Competitive entrance examinations shall be open to all applicants who meet the standards or requirements fixed by the Department Heads with regard to experience, character, education, and such other factors as may be related to the ability of the applicant to perform with reasonable efficiency the essential job functions of the position.

(ii) Promotion and Promotional Examination. Promotional tests shall be open to all regular(not temporary) employees in the classified service and those regular employees not in the classified service who were hired in a competitive fashion by means of a process which included publication of notice of the job opening, written applications, testing of applicants by written test and/or oral test or interview. In either case, the employee(s) seeking promotion must meet the necessary requirements of the promoted position and must be serving in an appropriate job position; i.e. a job position requiring skills similar to those of the promoted position. Promotional examinations may be limited to a single department or a subdivision thereof as dictated by applicable labor contracts or in the absence of a controlling labor contract, as the Department Head shall designate. In the event the Department Head believes, based on his/her personal knowledge of the abilities of a current employee in his/her department, that a current employee can competently fill a vacancy, Department Head with the approval of the City Administrator or the approval of the Human Resources Committee of the Common Council may fill a vacancy on a probationary basis without a promotional exam and will report the probationary promotion to the Civil Service Commission and Common Council.

(c) Method of Rating. Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the applicants. In all examinations, the minimum rating by which eligibility may be achieved shall be established by the Department Head. Such minimum ratings shall also apply to the ratings of any part of the test. Applicants may be required to attain at least a minimum rating on each part of the test in order to receive a passing grade.

(d) Veteran's Preference. Proof of eligibility for veteran's preference shall be provided by veterans in the form of their discharge papers, a certified copy, a photostatic copy, or other satisfactory evidence of honorable service. Disabled veterans additionally shall submit on such form as may be required by the Civil Service Commission, proof of disability certified by the appropriate federal agency responsible for the administration of veterans' affairs. Veteran's preference points shall be awarded as required by Section 230.16(7), Wis. Stats.

(e) Notification of Examination Results. Each person who takes an examination shall be given written notice in a sealed envelope as to whether he or she passed or failed in such examination and of his or her relative position and grade on the eligibility test, or of his or her failure to attain a place on the list. Each person in an examination shall be entitled to inspect his or her rating and examination papers, but examination papers shall not be open to the general public. Such inspection shall be permitted only at such hours and places as are specified by the Civil Service Commission.

(E) EMPLOYMENT ENTRANCE LISTS. After each examination, the Civil Service Commission shall prepare an employment entrance or eligible list of those candidates who have secured a passing grade as established for that examination, arranged in order of the rating received.

(1) Order of Names on Entrance Lists. Names of applicants scoring passing grades (eligibles) shall be placed on lists in the order of their final earned rating plus veterans' preference credit.

(2) Availability of Eligibles. It shall be the responsibility of eligibles to notify the Civil Service Commission in writing of any change of address or other changes affecting availability for employment. However, the City Service Commission may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he/she will be available for employment, his/her name may be withheld from any certification which does not meet the conditions which he/she has specified. An eligible may file a new written statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which he/she will be available for employment.

(3) Duration of Lists. The time during which a list shall remain in force shall be one year from the date on which it was originally established by the Civil Service Commission. Eligible lists will be retained by the Civil Service Commission for one year. Applicants will be certified to Department Heads in the manner described herein.

(F) METHOD OF FILLING VACANCIES. Whenever an appointing authority desires to fill a vacancy in any position in the classified service, the Civil Service Commission shall certify to him/her three names. The appointing authority shall make a probationary appointment therefrom. The appointing authority shall inform the Civil Service Commission of the appointment.

(1) REQUISITION. When a vacancy occurs, the Department Head shall submit a personnel requisition in the manner prescribed by the Civil Service Commission providing the pertinent facts relative to the essential job functions, responsibilities, and qualification requirements of the position which is to be filled. If a list of eligibles is available, certification will be made in the manner prescribed.

(2) **CERTIFICATION OF CANDIDATES.** In the filling of all vacancies with the exception of transfers, the three names certified shall be those of the three persons standing highest on the proper list. If there is more than one vacancy, the Civil Service Commission will certify four names more than the existing vacancies.

(4) **ACCEPTANCE OF APPOINTMENT.** If the applicant accepts the appointment and presents him/herself for duty within such period of time as the Department Head shall prescribe, he/she shall be deemed to be appointed; otherwise, he/she shall be deemed to have declined the appointment.

(G) **TEMPORARY AND EMERGENCY APPOINTMENTS.**

Temporary appointments for short-term employment which may be required for special projects or unusual workloads shall be made from lists when determined by the Common Council. If no list exists or if certification from lists is impracticable, the Mayor may authorize the temporary appointment of any qualified individual. The acceptance or refusal by an eligible of a temporary appointment shall not affect his/her standing on the list. Any period of employment under a temporary appointment shall not be counted as a part of the probationary service period in case of subsequent appointment to a permanent position.

II **DISCIPLINE AND GRIEVANCE PROCEDURE**

(A) **Discipline.** Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the City. Disciplinary action may call for any of four steps – verbal warning, written warning, suspension (with or without pay), or termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps. The City reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

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

(C) “Employee discipline” includes all levels of progressive discipline, but shall not include the following items:

1. Placing an employee on paid administrative leave pending an internal investigation;
2. Counseling, meetings, or other pre-disciplinary action;
3. Actions taken to address work performance, including use of a performance improvement plan or job targets;
4. Demotion, transfer, or change in job assignment; or
5. Other personnel actions taken by the employer that are not a form of progressive discipline.

(D) “Employee termination” shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following personnel actions:

1. Voluntary quit;
2. Layoff or failure to be recalled from layoff at the expiration of the recall period;
3. Retirement;
4. Job abandonment, “no-call, no-show”, or other failure to report work; termination of employment due to medical condition which renders the employee unable to perform the essential functions of the job and for which a reasonable accommodation is not available; or lack of qualification or license, or other inability to perform job duties.

(E) “Workplace safety” is defined as conditions of employment affecting an employee’s physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

(F) Any written grievance filed under this policy must contain the following information:

1. The name and position of the employee filing it;
2. A statement of the issue involved;
3. A statement of the relief sought;
4. A detailed explanation of the facts supporting the grievance and the names of all witnesses to the facts;
5. The date(s) the event(s) giving rise to the grievance took place;
6. The identity of the policy, procedure, or rule that is being challenged;
7. The steps the employee has taken to review the matter, either orally or in writing, with the employee’s supervisor; and
8. The employee’s signature and the date.

III STEPS OF THE GRIEVANCE PROCEDURE

Employees should first discuss complaints or questions with their immediate supervisor. Reasonable efforts should be made by supervisors and employees to resolve any questions, problems, or misunderstandings that have arisen before filing a grievance.

(A) Step 1 – Written Grievance Filed with the Department Head. The employee must prepare and file a written grievance with the Department Head within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The Department Head or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the Department Head, the employee may initially file the grievance with the City Administrator, who shall conduct the Step 1 investigation.

(B) Step 2 – Review by City Administrator. If the grievance is not settled at Step 1, the employee may appeal the grievance to the City Administrator within five (5) business days of the receipt of the decision of the Department Head at Step 1. The City Administrator or his/her designee will review the matter and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. The City Administrator or his/her designee’s decision may be orally or in writing, but if given orally, the City Administrator shall, as soon as may be convenient, reduce the decision to writing and provide the employee with a copy of the written decision. An oral decision is effective as of the time it is given to the employee.

(C) Step 3 – Impartial Hearing Officer. If the grievance is not settled at Step 2, the employee may request in writing, within five (5) business days following receipt of the City Administrator’s decision, a written review by an Impartial Hearing Officer. The City shall select the Impartial Hearing Officer. The Impartial Hearing Officer shall not be a City employee. In all cases, the grievant shall have the burden of proof to support the grievance. The Impartial Hearing Officer will determine whether the City acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the Impartial Hearing Officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The Impartial Hearing Officer shall prepare a written decision.

(D) Step 4 – Review by the Governing Body. If the grievance is not resolved after Step 3, the employee or the City Administrator may have the decision of the Impartial Hearing Officer reviewed by the Governing Body. A request for review must be filed within five (5) business days of receipt of the written decision from the Impartial Hearing Officer. For Library employees, the appeal shall be filed with the Library Board. For all other employees, the appeal shall be filed with the Common Council. The Common Council or Library Board shall not take testimony or evidence; it may only determine whether the Impartial Hearing officer reached an arbitrary or incorrect result based on a review of the record before the Impartial Hearing Officer. The matter will be scheduled for the Common Council’s or Library Board’s next regular meeting. The Common Council or Library Board will inform the employee of its findings and decision in writing within ten (10) business days of the Common Council or Library Board meeting. The Common Council or Library Board shall decide the matter by majority vote and this decision shall be final and binding.

(E) An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee must process his/her grievance outside of normal work hours, unless the employee elects to use accrued paid time (vacation, comp time, etc.) in order to be paid for time spent processing his/her grievance through the various steps of the grievance procedure.

(F) A decision is deemed received by the employee two business days after it is mailed by first class mail to the employee’s address of record. [For example, a decision mailed on a Friday will be deemed received on the following Tuesday.] A request for review or hearing before the hearing officer is filed when received by the City Administrator during normal business hours.

(G) Costs: Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing, or presenting a grievance. The fees of the Hearing Officer will be paid for by the City. If the Hearing officer finds that the grievance is frivolous, the Hearing Officer shall order that the Hearing Officer’s fees paid by the City be reimbursement to the City by the grievant.

(H) Time Limits: The term “days” as used in this provision means business days, and a business day is each day or part of a day when the City Clerk’s office is open for business. The employer and grievant may mutually agree to waive time limits, in writing.

1. A grievance or decision or appeal is considered timely if received by the City Administrator during normal business hours.

2. The employer and grievant may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.

3. If the grievance is not answered within the time limits, the grievant may proceed to the next available step within 7 days.

IV WORKPLACE SAFETY GRIEVANCE PROCEDURE

(A) Step 1: Any employee who personally identifies, or is given information about a workplace safety issue or incident must notify his/her supervisor of the issue or incident as soon as reasonably practicable. All safety issues, no matter how insignificant the situation may appear to be, must be reported.

Time Limit: Any workplace safety incident or issue must be reported by an employee within 24 hours after the incident or issue was raised in order to be addressed as part of the grievance procedure.

A written report of the incident or issue, outlining the events that transpired and resolution, if any, shall be signed by all concerned parties and submitted to the City Administrator for review and consideration within 7 days of the incident or issue.

(B) Step 2: After receipt of the written report, the City Administrator will conduct additional investigation, as required, and normally issue a final report on his/her findings and conclusions within 21 days of receipt of the written report. Copies of the report will be given to the persons who signed the written report.

(C) Step 3: The employee may appeal the findings and conclusions of the City Administrator and request a review by an Impartial Hearing Officer. The City shall select the Impartial Hearing Officer. The Impartial Hearing Officer shall not be a City employee. In all cases, the grievant shall have the burden of proof to support the grievance. The Impartial Hearing Officer will determine whether the City acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the Impartial Hearing Officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. If the Impartial Hearing Officer determines a hearing is necessary, he/she may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing. At the conclusion of the review, the Impartial Hearing Officer shall record one of three outcomes; 1) Sustaining the conclusions of the City Administrator, 2) Reversing the conclusions of the City Administrator, or 3) Recommending additional investigation prior to final determination.

Time Limit: If the employee does not submit a written appeal to the City Administrator requesting a review before an Impartial Hearing Officer with 7 days after receipt of the City Administrator's Report, the grievance can no longer be addressed in the grievance procedure. If requested timely, the review will normally be scheduled with 30 days of receipt of the request for review.

(D) Step 4: If the grievance is not resolved after Step 3, the employee or the City Administrator may have the decision of the Impartial Hearing Officer reviewed by the Governing Body. In cases where the Impartial Hearing Officers recommends additional investigation, at the conclusion of the additional investigation, the matter will be automatically referred to the Governing Body. In cases where the Impartial Hearing recommends additional investigation, at the conclusion of the additional investigation, the matter will be automatically referred to the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employees, the appeal shall be filed with the Common Council. The Common Council or Library Board shall not take testimony or evidence; it may only determine whether the Impartial Hearing Officer reached an arbitrary or incorrect result based on a review of the record before the Impartial Hearing Officer. The matter will be scheduled for the Common Council's or Library Board's next regular meeting. The Common

Council or Library Board will inform the employee of its findings and decision in writing within ten (10) business days of the Common Council or Library Board meeting. The Common Council or Library Board shall decide the matter by majority vote and this decision shall be final and binding.

Time Limit: The employee may request a review before the Governing Body by filing a request within 5 business days of receipt of the written decision of the Impartial Hearing Officer. If not submitted timely, the grievance can no longer be addressed in the grievance procedure.

(E) Costs: Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing or presenting a grievance. The fee of the Impartial Hearing Officer will be paid for by the City. If the Impartial Hearing Officer finds that the grievance is frivolous, the Impartial Hearing Officer shall order that the Impartial Hearing Officer's fees paid by the City be reimbursed to the City by the grievant.

(F) Time Limits: The term "days" as used in this provision means business days, and a business day is each day or part of a day when the City Clerk's office is open for business. The employer and grievant may mutually agree to waive time limits, in writing. An employee must process his/her grievance outside of normal work hours, unless the employee elects to use accrued paid time (vacation, comp time, etc.) in order to be paid for time spent processing his/her grievance through the various steps of the grievance procedure. A decision is deemed received by the employee two business days after it is mailed by first class mail to the employee's address of record. [For example, a decision mailed on a Friday will be deemed received on the following Tuesday.]

1. A grievance or decision or appeal is considered timely if received by the City Administrator during normal business hours.
2. The employer and grievant may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.
3. If the grievance is not answered within the time limits, the grievant may proceed to the next available step within 7 days.

V CONSTRUCTION OF THESE RULES AND REGULATIONS

The provisions of these rules and regulations are severable, and if any part of these rules and regulations shall be held to be unconstitutional or invalid, by the valid judgment or decree of any court of regulations shall be held to be unconstitutional or invalid, by the valid judgment or decree of any court of competent jurisdiction, such particular part be rejected or deleted without affecting, impairing, or invalidating the remaining parts of these rules and regulations. It is hereby declared that it is the intent of the Common Council that these rules and regulations, and each word, clause, sentence, paragraph, and section thereof would have been enacted, had such constitutional or invalid section or part thereof not have been included herein.

4.14 TRAFFIC COMMISSION.

- (1) There is hereby created in and for the City of South Milwaukee a Traffic Commission.
- (2) The Traffic Commission shall consist of five members, legal residents of the City of South Milwaukee, and shall be appointed by the Mayor subject to confirmation by the Common Council. Initial appointments shall be for terms of one, two, three, four and five years respectively, and subsequent appointments shall be for terms of five years. Members of the Commission may be removed for cause by a three-fourths vote of the Common Council after submission of a complaint in writing and a hearing thereon. The Commission shall serve without remuneration, and no person holding an elective office shall be eligible for

appointment. Each member of the Commission shall take and file the official oath. The terms of office hereinbefore provided shall commence on May 1. The Commission shall annually appoint one of its members chairman and another secretary.

- (3) The Commission shall make an overall traffic plan, including maps, showing thereon a city-wide traffic control system and flow pattern and parking time zones and in general prepare a plan to coordinate the traffic and parking problems of the City of South Milwaukee into an orderly system. The Commission shall make, or cause to be made, studies of parking, traffic flow, traffic regulations and traffic information studies, with a particular study of off-street parking and parking lot locations, and submit recommendations thereon to the Mayor and Common Council. Recommendations shall also be made periodically by the Commission on action to be taken to improve traffic or parking conditions within the City and on such other matters as from time to time may be requested by the Common Council.
- (4) The Traffic Commission shall be empowered to act for the City of South Milwaukee in making contacts with agencies of the State of Wisconsin or other agencies relating to securing traffic counts, information and technical assistance in order to carry out the appointed functions of the Commission.
- (5) The Commission shall keep records of meetings, correspondence and such other data as may be necessary and shall make such records available to the Mayor and Common Council upon request. The City Clerk shall, if requested, furnish such stenographic assistance as shall be needed and the necessary supplies to meet reasonable requirements of the Commission.
- (6) All departments of the City of South Milwaukee shall give such assistance to the Traffic Commission as may be necessary to fulfill the intent of this ordinance.
- (7) Such funds as may be needed for the operation of the Traffic Commission shall annually appropriated by the Common Council and in the manner provided by law. Cr. 05/30/67, 471; (2) Am. 08/28/58, 601

4.17 EMERGENCY GOVERNMENT. Rep & Recr. 07/02/96, 1649. Amended 12/21/10, 2014. Pursuant to Chapter 323, Wisconsin Statutes, the following Program of Emergency Government is hereby adopted.

- (1) OVERALL CONTROL. The Mayor and the Common Council shall have overall control of the Program of Emergency Management for the City of South Milwaukee except as such authority is expressly delegated herein. Am. 02/02/99, 1728, Am. 12/19/06, 1930
- (2) HEAD OF EMERGENCY MANAGEMENT SERVICES. Am. 02/2/99, 1728.
 - (a) The Public Health Administrator shall be the Director of Emergency Management and shall have the powers specified in Chapter 323, Wisconsin Stats. The Fire Chief shall be the Deputy Director of Emergency Management and shall have the powers and duties of the Director of Emergency Management in the latter's absence.
 - (b) In the absence of the Director and the Deputy Director, the first available of the following individuals listed in the order of their seniority shall function as "Acting Director" with all the powers of Director specified in Chapter 323 Wis. Stats.: Police Chief, Fire Captain, Police Operations Captain, Fire Lieutenant, Police Shift Commander. An "Acting Director" shall continue as "Acting Director" until the Director, Deputy Director, or more senior "Acting Director" is present and able to

take control as Director or "Acting Director." The Director, and in his/her absence or incapacity, the "Acting Director," shall have the power during the time of disaster to enter into contracts and incur obligations necessary to combat such disaster, protecting the lives and safety of persons and property providing emergency assistance to the victims of such disasters. The Director is authorized to exercise the powers vested in him in the light of the exigencies of the extreme emergency situation without regarding the time consuming procedures and formalities prescribed by other provisions of law pertaining to the performance of public work, entering into contracts, the employment of temporary workers, the rental of equipment, and the purchase of supplies and materials. In no event shall the liability of the City of South Milwaukee under any circumstances exceed the fair and reasonable value of the services rendered or supplies and equipment furnished or materials furnished. Further, the Mayor hereby authorizes the Director of Emergency Management to exercise those powers conferred upon him in Sec. 323. Am. 12/15/98, 172. Am. 12/19/06, 1930, Am. 12/21/10, 2014

- (c) The Director may, in collaboration with other public and private agencies within the State of Wisconsin and the nation, develop or cause to be developed, mutual aid arrangements for reciprocal emergency management and disaster aid and assistance in case of war or disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State of Wisconsin Emergency Management and Disaster Plan and Program of the Federal Government, and in time of emergency it shall be the duty of the South Milwaukee Emergency Management Committee to render assistance in accordance with the provisions of such mutual aid arrangements.
 - (d) The Director of Emergency Management and Disaster may, subject to the approval of the Common Council, enter into mutual aid agreements with civil defense and disaster agencies or organizations in other political subdivisions or in the State of Wisconsin or in other states for reciprocal emergency management and disaster to aid and assist in case of war or disaster too great to be dealt with unassisted.
- (3) OPERATION. The Emergency Management Services of the City shall operate in accordance with the State of Wisconsin Emergency Operations Plan, the Milwaukee County Emergency Operations Plan, and the City of South Milwaukee All-Hazard Emergency Operations Plan, which have been adopted by resolution of the Common Council. Copies of the current State of Wisconsin Emergency Operations Plan, the Milwaukee County Emergency Operations Plan and the City of South Milwaukee All-Hazard Emergency Operations Plan, shall be kept on file in the Office of the City Clerk. Rep. & Recr. 02/02/99, 1728
- (4) EMERGENCY MANAGEMENT ADVISORY COMMITTEE. Rep. & Rec. 2/02/99, 1728. Amended 12/21/10, 2014.
- (a) There is hereby created an Emergency Management Advisory Committee consisting of the following:
 - (1) Director of Emergency Government (Public Health Administrator)
 - (2) Deputy Director of Emergency Government (Fire Chief)
 - (3) Police Chief
 - (4) Street Superintendent
 - (5) Water Superintendent
 - (6) Wastewater Superintendent
 - (7) City Engineer
 - (8) Mayor

- (9) City Clerk
- (10) City Treasurer
- (11) Library Director
- (12) Senior Center Director
- (13) School District Representative

(b) The Emergency Management Advisory Committee shall act in an advisory capacity only. The Director shall be Chairman of the Committee and shall preside at all meetings. He/She may appoint sub-committees and delegate to them various duties and shall have any and all powers necessary to carry out and effectuate the purpose for which the Committee is established.

(5) PARTICIPATION. All employees of the City, all departments, boards, bureaus, committees, officers and agents of said City are hereby directed to participate in and become members of the Emergency Management Organization for the City and to participate in all test exercises when requested. Cr. 12/06/77, 1060, Am. 02/02/99, 1728

4.18 SENIOR CITIZENS CENTER BOARD OF DIRECTORS. Renamed 02/18/86, 1323

4.18.01 There is hereby created a Board of Directors to govern the operation of South Milwaukee Senior Citizens Center. The Board shall consist of seven (7) members, three (3) of whom shall be elected from among the active participants of the City of South Milwaukee Senior Citizens Center, four (4) whom shall be appointed by the Mayor subject to the approval of the Common Council. Rep. & Recr. 02/18/86, 1323

4.18.02 The appointed and elected members of the Board of Directors shall serve a term of two (2) years. The term of office for appointed members begins on the date of appointment. The term of office for elected members begins on the first meeting of the Board of Directors following presentment of the election results to the Board of Directors. Rep. & Recr. 02/18/86, 1323; Rep. & Recr. 08/18/98, 1712

4.18.03 The Director of the Senior Citizen Center shall attend all meetings of the Board and shall participate in all Board Meetings but shall not have a vote in any Board action.

4.18.04 The members of the Board shall be selected from diversified fields and when possible shall represent the following fields: health, law, education, ministry, recreation, and social services.

4.18.05 The Board shall hold regular meetings, which meetings shall be open to the public and which meetings shall be called by the Chairman of the Board, Advisory Chairman in the absence of Chairman and Secretary in the absence of both.

4.18.06 The Common Council will be the overseer of the Center and Board of Directors and shall be responsible for the selection of the Director of the Senior Citizen Center and budgetary affairs of the Center.

4.18.10 It is hereby declared the policy of the Common Council and made a directive from the Common Council to the Board above created that the operation of the Senior Citizen Center as a Senior Citizen Center is to be the primary function of the facility.

4.18.12 During the period of time necessary for the proper conduct of the Nutrition Center activities, there will be no activities sponsored by any other agency in the main room of the Senior Citizen Center. The smaller activity room may be used for other activities during this time.

4.18.13 The financial affairs of the Senior Citizen Center shall be audited on an annual basis in conjunction with the general City Audit. Cr. 04/06/83, 1238

4.19 COMMUNITY DEVELOPMENT AUTHORITY. Repealed 3/29/16, 2126

4.20 CLAIMS PROCESSING - Created 2/16/05

- (1) **ADOPTION OF STATE LAW.** All applicable State laws including, but not limited to, statutes of limitations, procedures, and other requirements pertaining to municipal claims and damages, as from time to time amended, changed, deleted, modified, or created, are hereby adopted by reference, made effective, and incorporated as if fully set forth herein. Any act required to be performed or prohibited by any laws so incorporated by reference is required or prohibited by this ordinance.
- (2) **ADOPTION OF WISCONSIN CIVIL JURY INSTRUCTIONS.** All applicable Wisconsin Civil Jury Instructions, as promulgated by the Wisconsin Civil Jury Instructions= Committee, currently in effect or any subsequent additions thereto or deletions therefrom are hereby adopted by the City of South Milwaukee as guidelines upon which to determine whether to deny, settle, or pay any claim filed against the City of South Milwaukee as may be appropriate on a case-by-case basis.
- (3) **DEFINITIONS.**
 - (A) **CLAIM** means a correct, complete, and proper, in substance and form, itemized written statement of personal injury, wrongful death, or property damage in strict conformity with the requirements of State law, which sets forth with specificity and particularity the correct and complete name, home address, and telephone number of the claimant together with a specific and legally-sufficient description and itemization of the nature, kind, and type of injury and/or damage, the specific dollar amount of damages claimed, together with a full and accurate statement of the facts and circumstances upon which the claim is based, including the reasons for believing the City is liable therefore.
 - (B) **CITY CLAIMS COMMITTEE** means those persons who, from time to time, are appointed to serve for an indeterminate term on the Claims Committee and who are charged with the responsibility of coordinating and administrating the City's claims procedure and all claims filed in a manner consistent with the provisions of this chapter and all other applicable laws. The City Claims Committee shall have the sole, complete, and final authority to deny, to settle, or to pay certain claims as defined in the manner set forth below. The Claims Committee shall consist of the Director of Administration, the City Clerk and a member of the Finance Committee designated by the Finance Committee. The City Attorney shall act as legal counsel for the committee.
- (4) **PROCEDURE.**
 - (A) Each and every claim of whatever kind or nature against the City shall be served upon the City Clerk or his/her designee, by each aggrieved party or someone acting on his/her behalf in strict conformity with the time limits and manner required by State law. The City Clerk shall immediately forward such claim to the City's insurance carrier, to the department involved in the claim and to the City Attorney who shall cause a file to be created and maintained for each claim received and shall retain and process the original claim as required by law. The City Clerk shall request the department to provide to the City Attorney any information concerning the claim it has. Department heads are directed to promptly prepare reports in response to any possible claim or litigation involving their department and to forward those reports to the City Attorney.

(B) The City Attorney, or his/her designee, shall promptly notify the claimant of the receipt of such claim and request of the claimant such additional information as may be necessary to process the claim.

(C) Upon the receipt of requested information from the appropriate department and from the claimant, the City Attorney shall ask that a Claims Committee meeting be scheduled to review the claim and make such determinations as it deems appropriate.

(D) The City Attorney may utilize the services of a claims investigator/adjuster from time to time as he/she deems appropriate.

(E) Every three months, the City Clerk shall prepare a report of the Committee's activities for the Common Council. The report shall indicate the name of the claimant, the department involved and the current status of the claim (pending, denied or settled).

(5) EMPOWERMENT.

(A) The Common Council of the City of South Milwaukee hereby fully, completely, and without reservation authorized and empowers the City Claims Committee to deny any and all claims regardless of the face amount which in the Claims Committee's discretion, upon applying the principles of law as enunciated in the Wisconsin Civil Jury Instructions and State Statutes, it determines should be denied.

(B) The Common Council of the City of South Milwaukee hereby fully, completely, and without reservation authorizes and empowers the City Claims Committee to process, settle, defend, adjust, and/or pay any and all claims against the City of whatsoever kind or nature which, in the Committee's sole discretion upon review and verification, it finds should be compromised, adjusted, settled, defended, and/or paid up to an amount equal to the City's insurance deductible. The Committee's decisions shall be based on those principles of law as enunciated in the Wisconsin Civil Jury Instructions and State Statutes.

(C) For all such claims paid, the Claims Committee shall, every three months, prepare and forward a written summary of each and every claim settled or paid, setting forth the name of the claimant, the date the claim was filed, the general description of the nature of the claim, the amount of the claim, the Claims Committee's determination and disposition, and the amount and date of compromise, settlement, and payment. Such report shall be filed with the City Clerk and be submitted to the Finance Committee and then to the Common Council to be received and placed on file.

(D) This authorization shall continue until revoked by resolution of the Common Council of the City of South Milwaukee.

4.21 BOARD OF ABSENTEE CANVASSERS

- (1) The municipal board of absentee ballot canvassers shall be composed of the city clerk, or a qualified elector of the municipality designated by the clerk, and 2 other qualified electors of the municipality appointed by the clerk. The members of the board of absentee ballot canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. If the municipal clerk's office is vacant or if the clerk and the clerk's designee cannot perform his or her duties, the mayor or in this/her absence, the president of the common council, shall designate another qualified elector of the municipality to serve in lieu of the clerk for that election. If the clerk is a candidate at an election being canvassed, the clerk or the clerk's designee may perform the clerk's duties on the board of absentee ballot canvassers only if the clerk does not have an opponent

whose name appears on the ballot. If the clerk is a candidate at the election being canvassed by the board of absentee canvassers and has an opponent whose name appears on the ballot, the mayor or in his/her absence, the president of the common council, shall designate another qualified elector of the municipality to serve in lieu of the clerk and his or her designee for that election. If any other member of the board of absentee ballot canvassers is a candidate at the election being canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily fill the vacancy.

- (2) All appointments shall comply with Wis. Stats. 7.52 and 7.53.
- (3) The Board of Absentee Canvassers shall operate pursuant to the provisions of Wis. Stats. 7.52 and 7.53 as applicable.

4.30 THE CHAPTER 68 APPEALS COMMITTEE.

The Chapter 68 Appeals Committee shall follow the procedures contained in Chapter 68 of Wis. Stats. except as herein specifically modified. Where there is a conflict between the procedures outlined herein and those outlined in Ch. 68, the committee shall follow these procedures. The committee shall determine when a conflict exists.

- (1) The hearing under Sec. 68.11 shall be held within 30 days of the date on which the appellant files his/her appeal complying with 68.08 in the office of the City Clerk.
- (2) In addition to the notice of appeal complying with Sec. 68.08, the appeal filing shall include a copy of any written determination or decision being appealed, a list of anticipated witnesses and a list of exhibits to be presented at the hearing. The lists of witnesses and exhibits will be used by the committee in setting the time to be allocated for the hearing.
- (3) Upon receipt of a notice of appeal complying with Sec. 68.08 and the above paragraph, the city Clerk shall forward a copy of the notice of appeal to the officer, board or commission whose decision is being appealed with a request that they identify all witnesses and exhibits they will present within 7 days.
- (4) The Committee shall notify the appellant and the officer, board or commission whose decision is appealed of the date and time of appeal. Unless otherwise stated in the notice, all hearings will be conducted in the Common Council Chambers, 2424 15th Avenue, South Milwaukee, Wisconsin. The hearing may be adjourned from time to time as the committee determined to be necessary.
- (5) The decision of the committee will be in writing and mailed to the appellant and officer, board or commission whose decision was appealed within a reasonable time following the conclusion of the hearing. The requirement that the decision be mailed within 20 days in 68.12 is hereby modified to within a reasonable time but not exceeding 31 days.
- (6) At each hearing and after the conclusion of the presentment of the evidence and arguments of the parties, the committee may meet in closed session to deliberate and draft its decision. Each notice of a meeting of the committee shall include notice that the committee may meet in closed session for the purpose of deliberation during the hearing as necessary to discuss matters arising which require an immediate response, at the conclusion of the hearing and at any meeting to deliberate and draft its decision after the hearing. The deliberations of the committee shall not be recorded.
- (7) The hearings shall be tape recorded and need not be recorded by a court recorder. In the event of an appeal to the circuit court, a transcript of the tape recording of the hearing shall be prepared and certified as to its accuracy by the committee.

(8) Three or more members of the committee shall attend and preside over a hearing. A decision adopted by a majority of the committee who both attended the hearing and the deliberations is the decision of the committee.

(9) A copy of each decision of the committee shall be forwarded to the members of the Common Council.

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