



AN ORDINANCE: by the Rules Committee
Re: Amending Neenah Code §2-21(c)(2), replacing bonding requirements with dishonesty insurance, and further amending various sections of Neenah Code Chapter 2 relating to, procedural matters of the Common Council, Standing Committees, Special Committees, and Boards & Commission

ORDINANCE NO. 2019-11
Introduced: April 3, 2019
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 2-21(c)(2) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(2) *Official bonds.* A bond of not less than \$500,000.00 shall be required of the Director of Finance. In lieu of the bond required by Wis. Stat. §62.09(4)(b), Common Council elects to obtain the appropriate dishonesty insurance covering the acts of the officers of the City, as permitted by state law, the cost of which shall be borne by the City.

Section 2. Division 2 Title and Section 2-81 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

DIVISION 2. – STANDING & SPECIAL COMMITTEES

Sec. 2-81 *Generally*

(a) Standing Committees. The standing committees of the Common Council shall be the Finance and Personnel Committee; the Public Services and Safety Committee; ~~the Legislative Review Committee; the Committee on Rules~~ and the Neenah-Menasha Fire Rescue Joint Finance and Personnel Committee. The Mayor at the organizational meeting of the Common Council shall make appointments to all standing committees and boards of the

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Council, except Council representatives on Boards and Commissions shall be appointed by the Council President. Alderman members shall have one-year assignments on standing committees. The Mayor shall appoint the members of all committees, boards and commissions, other than members named by title, subject to confirmation by majority vote of the Council, unless specifically provided otherwise, except the members of the Board of Public Works who are confirmed by a two-thirds vote of the Council. The standing committees and their jurisdiction are as set forth in this division.

(b) Regular Special Committees. The Regular Special Committees of the Common Council shall be the Legislative Review Committee; and the Committee on Rules. The regular special committees shall be composed of three alderman and shall meet at the call of the committee chair or any two members of the committee.

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Section 3. Section 2-82(c) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(c) *City budget.* The annual City budget shall be developed in accordance with Wis. Stats. § 65.90. The Committee shall supervise the development implementation of the annual City budget, subject to Council direction.

Section 4. Section 2-83 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-83. - Public Services and Safety Committee.

(a) *Composition and attendance.* The Public Services and Safety Committee shall be composed of four Aldermen and the Council President. In addition, the Director of Public Works and Police Chief or designees shall attend all meetings of the Committee unless otherwise excused. One of the Police Department Command Staff (Chief, Assistant Chief or Captain) shall attend committee meetings at least quarterly, or as requested by the Committee. The Director of Parks and Recreation, Director of Public Health and Director of Community Development & Assessment shall attend if requested by the Committee.

(b) *Jurisdiction and duties.* The Committee shall have jurisdiction over the Director of Public Works who shall serve in an advisory capacity to the Committee, with no voting power, and all activities assigned to the Public Works Department. These activities include including but not limited to the following: installation of traffic lights and signs, maintenance and building of streets, sidewalks, sewers and bridges, disposal of garbage and rubbish, elimination and disposal of environmental diseaseDutch Elm disposal, snow removal, slough control, construction, repair and improvements of all public land and buildings, including parks; sewer televising and clear water separation programs. The Committee shall have jurisdiction over the Director

~~of Public Health and the~~ Police Department in all matters that are not under the jurisdiction of the ~~Board of Health or~~ Police Commission, ~~respectively~~. It shall have jurisdiction over the Director of Community Development and Assessment, Building Inspector, parking lots, parking meters parking management, traffic control and all City inspectors. It shall confer with the Police Chief in regard to methods, equipment and means to increase the efficiency of the police department. ~~It shall have jurisdiction over the City Physician~~—The Committee shall be responsible for cemetery matters under Council jurisdiction.

~~(e) Long-range capital planning, annual capital improvements and annexations. The Committee shall initiate long-range improvement programs, develop an annual budget for the above programs and provide an impact statement for all areas petitioning for annexation.~~

~~(d)~~(c) Licensing. The Committee shall investigate, as to compliance with State and local laws, and provide a recommendation on all applications for licenses under Council jurisdiction. The Committee shall conduct hearings related to denials or revocations of licenses under Council jurisdiction. Any such hearings shall be conducted in accordance with the requirements of Wis. Stats. ch. 68.

Section 5. Sections 2-84, 2-85 and 2-86 of the Code of Ordinances of the City of Neenah are renumbered as 2-85, 2-86, and 2-87 respectively and current Section 2-87 is renumbered as 2-84 and the title is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-~~8784~~. - Neenah-Menasha Fire Rescue Joint Finance and Personnel Committee.

Section 6. Current Section 2-86 (renumbered as 2-87 by Section 5 above) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-~~8687~~. - Miscellaneous organizational provisions.

(a) Committee organization. At their organizational first meeting, each committee meeting of the Common Council, each standing committee, except the Board of Public Works, shall elect its chair and, vice-chair and secretary. The President of the Council shall not be chairman of any standing committees Finance & Personnel Committee, or Public Services and Safety Committee but shall have voting power on each. The Mayor and/or the Council President will endeavor to create an equitable division of work when appointing members to commissions and committees with the goal of distributing workload and avoiding a concentration of power in any Council member. The elected chairmen of the standing committees, and the Council President, shall not be appointed to the Plan Commission, the Water Commission or the Park and Recreation Commission unless otherwise eligible Aldermen are unable to serve.—The Mayor shall be an ex

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officio member of all standing and special council committees with no vote on any committee.

- (b) *Regular and special meetings; quorum.* Each standing committee shall set specific dates of each month for the transaction of business relating to that committee. A quorum of the committee shall be three of the five a majority of the members. Committee meetings beginning after 6:00 p.m. shall be so planned as to permit adjournment by 10:00 p.m., or shortly thereafter. Each standing committee shall determine its meeting days, times and frequency. Notification of all special or closed meetings of any committee shall be given to the entire Council and include the agenda for the meeting, strictly adhering to the Open Meetings Law, Wis. Stat. ch. 19, subch. V. Special meetings of any standing committee may be scheduled by the Mayor, the committee chair, or at the request of any two committee members
- (c) *Effect of committee action.* The Council shall approve all committee recommendations before they go into effect, unless otherwise directed or delegated by the Council.
- (d) *Agendas.* Agendas for all matters to be considered in regular session of any committee, board or commission shall be delivered to all members of the Council 48 hours prior to the regularly scheduled meeting. Additional matters may be considered without prior notice by consent of a majority of the Committee, subject to the requirements of the Open Meetings Law, Wis. Stats. Ch. 19, Subch. V (Wis. Stats. § 19.81 et seq.).
- (e) *Minutes.* Minutes of executive sessions are to be delivered to all Aldermen within seven working days following the session. All committees, boards, commissions or other organized City bodies shall file with the City Clerk a true and correct copy of the minutes of each regular, or other, meeting at which minutes shall be taken within five days after the date of each meeting.
- (f) *Committee of the Whole.* The Mayor and the Aldermen shall constitute the Committee of the Whole. The Council President shall serve as the Chair of the Committee of the Whole and the Mayor shall be allowed to vote only in case of a tie. The Committee of the Whole shall make recommendation to the Common Council as to all matters to come before it. The Committee of the Whole shall supervise the development of the annual and capital budgets for the City
- (g) *Council rules of order.* The Council may provide for such other rules, as it deems advisable for its operation.

Section 7. Section 2-167 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-167. - Plan Commission.

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- (a) *Composition.* The Plan Commission shall consist of the Mayor, who shall be its presiding officer, the Director of Public Works, a representative of the Park and Recreation Commission (~~or alternate representative who shall be counted for quorum and voting purposes only if the representative was unavailable~~) appointed by the Chairman of the Park and Recreation Commission for a one-year term, an alderman, a member of the Board of Education who is a resident of the City recommended by the Neenah Joint School District and three residents.
- (b) *Appointment.* The Alderman and the Board of Education members shall be appointed by a ~~two-thirds~~majority vote of the entire Council each April. The Mayor shall appoint one resident member annually each April for a term of three years. Such appointed members of the Commission shall commence their terms on May 1.
- (c) *Powers and duties.* The Plan Commission shall have such powers as are conferred upon it by law and shall perform such further duties as are imposed upon it by the Council.

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Section 8. Section 2-169(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-169. - Park and Recreation Commission.

- (a) *Composition; organization.* The Park and Recreation Commission shall consist of nine members, appointed by the Mayor, subject to confirmation by a majority of all the members of the Council. One of the commission members shall be a representative from the Common Council. In addition to the nine voting members of the Commission, the Neenah Joint School District shall have a nonvoting representative on the Commission. The term of office of each member shall be three years, ending on December 31, except for the representatives from the Common Council whose term shall be one year, ending on the third Tuesday of April. All members of the Commission shall serve without salary or other compensation. A majority of such Commission shall constitute a quorum for the transaction of business.

Section 9. Section 2-172(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-172. - Emergency Government Committee.

- (a) *How constituted.* The Emergency Government Committee shall consist of the Mayor, City Department Heads, and as many additional members as may be determined by the Council by resolution. The members of the Commission shall be appointed by the Mayor, subject to confirmation by

the Council, and shall serve without compensation. The Mayor shall serve as Chairman of the Commission Committee and the Civil Defense Director shall serve as Secretary of the Commission Committee.

Section 10. Section 2-203(b) (Community Development Authority) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(b) *Appointment.* The Commissioners shall be appointed by the Mayor with the confirmation of the Common Council. Two of the Commissioners shall be members of the Common Council and shall serve during their term of office as council members. The first appointments of the five noncouncil members shall be for the following terms: two for one year and one each for terms of two, three and four years. Thereafter, the terms of noncouncil members shall be four years and until their successors are appointed and qualify. Vacancies shall be filled for the unexpired term as provided for in this subsection. A certificate of appointment of a Commissioner shall be filed with the City Clerk and shall be conclusive evidence of the due and proper appointment of such Commissioner.

Section 11. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 12. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Kunz/Hillstrom

Adopted: 9-0 April 3, 2019

Approved: April 3, 2019

Published: April 8, 2019

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
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