

**CHAPTER 2**

**ADMINISTRATION**

**ARTICLE I. IN GENERAL**

- 2-1 CITY MANAGER PLAN
- 2-2 ELECTIVE OFFICIALS; PRIMARY ELECTIONS
- 2-3 TERMS
- 2-4 TIME OF TAKING OFFICE; ELECTED OFFICIALS
- 2-5 VACANCIES

**ARTICLE II. ELECTION AND ELECTION OFFICIALS**

- 2-6 ADOPTING STATE STATUTES
- 2-7 ELECTION OFFICIALS
- 2-8 HOURS FOR VOTING

**ARTICLE III. LEGISLATIVE**

- 2-9 CITY COUNCIL DUTIES
- 2-10 COUNCIL MEETINGS
- 2-11 DUTIES OF THE MAYOR
- 2-12 PRESIDING OFFICER TO VACATE CHAIR IN ORDER TO ADDRESS COUNCIL
- 2-13 SUBSTITUTION OF PRESIDING OFFICER
- 2-14 TEMPORARY PRESIDING OFFICER
- 2-15 ORDER OF BUSINESS
- 2-16 RULES OF ORDER AND PROCEDURE

**ARTICLE IV. CITY MANAGER**

- 2-17 TERM OF OFFICE
- 2-18 DUTIES AND POWERS, GENERALLY
- 2-19 DUTIES AND RESPONSIBILITIES
- 2-20 AUTHORITY NECESSARY TO DISCHARGE DUTIES
- 2-21 CITY MANAGER: DELEGATION OF AUTHORITY; RESPONSIBILITY
- 2-22 ABSENCE OR DISABILITY

**ARTICLE V. STAFF OFFICES AND DEPARTMENTS**

- 2-23 DEPARTMENTS AND OFFICES

***DIVISION 1 STAFF OFFICES***

- 2-24 CITY ATTORNEY
- 2-25 ADMINISTRATIVE SERVICES
- 2-26 RESERVED
- 2-27 CITY CLERK
- 2-28 DATA PROCESSING

**DIVISION 2. DEPARTMENTS**

- 2-29 PUBLIC WORKS
- 2-30 DEPARTMENT OF FINANCE
- 2-31 FIRE DEPARTMENT
- 2-32 POLICE DEPARTMENT
- 2-33 DEPARTMENT OF PARKS
- 2-34 DEPARTMENT OF TRANSPORTATION
- 2-35 DEPARTMENT OF COMMUNITY DEVELOPMENT

**ARTICLE VI. CITIZENS ADVISORY BOARDS AND COMMISSIONS**

**DIVISION 1. GENERAL PROVISIONS**

- 2-36 RULES, MINUTES, NOTICE AND COMPENSATION

**DIVISION 2. BOARDS AND COMMISSIONS**

- 2-37 COMMITTEE ON AGING
- 2-38 BID BOARD
- 2-39 RESERVED. (CABLE TV ADVISORY COMMISSION – repealed 9/11/08)
- 2-40 RESERVED. (OSHKOSH C.A.N. BOARD – repealed 5/11/04)
- 2-41 RESERVED. (CITIZENS ADVISORY COMMITTEE – repealed 8/26/03)
- 2-42 SUSTAINABILITY ADVISORY BOARD (Formerly ENERGY & ENVIRONMENT repealed 4/14/09)
- 2-43 FAIR HOUSING COMMISSION
- 2-43.2 LONG RANGE FINANCE COMMITTEE
- 2-44 ADVISORY GRAND OPERA HOUSE BOARD
- 2-45 BOARD OF HEALTH
- 2-46 RESERVED. (OSHKOSH HUMAN RELATIONS COUNCIL – repealed 6/28/05)
- 2-47 RESERVED. (JOINT CITY/COUNTY PUBLIC SAFETY BLDG BD – repealed 2/8/05)
- 2-48 LANDMARKS COMMISSION
- 2-49 LIBRARY BOARD
- 2-50 PARKING UTILITY COMMISSION
- 2-51 ADVISORY PARK BOARD
- 2-52 PLAN COMMISSION
- 2-52.1 EXTRATERRITORIAL ZONING COMMITTEE
- 2-53 BOARD OF POLICE AND FIRE COMMISSIONERS
- 2-54 PUBLIC MUSEUM BOARD
- 2-55 BOARD OF PUBLIC WORKS
- 2-56 BOARD OF REVIEW
- 2-57 TRAFFIC REVIEW AND ADVISORY BOARD
- 2-58 TRANSIT ADVISORY BOARD
- 2-59 BOARD OF ZONING APPEALS
- 2-59.1 STORM WATER UTILITY APPEALS BOARD
- 2-59.2 URBAN WILDLIFE ADVISORY COMMITTEE

**ARTICLE VII. PERSONNEL**

**DIVISION 1. EMPLOYEES**

- 2-60 REPRESENTED EMPLOYEES.
- 2-61 NON-REPRESENTED EMPLOYEES.

**DIVISION 2. WORKMEN'S COMPENSATION AND INSURANCE**

2-62 WORKMEN'S COMPENSATION RESERVE FUND

**ARTICLE VIII. PENALTIES**

2-63 PENALTIES

**ARTICLE I. IN GENERAL**

**SECTION 2-1 CITY MANAGER PLAN**

The Government of the City of Oshkosh shall operate under a City Manager form of government under Chapter 64 of the Wisconsin Statutes, pursuant to the charter ordinance adopted in the referendum of November 6, 1956.

**SECTION 2-2 ELECTIVE OFFICIALS; PRIMARY ELECTIONS**

(A) Which Officials Elected

The elective officials of the City of Oshkosh shall include:

- (1) a Mayor nominated and elected from the city at large to serve a two (2) year term; and
- (2) six (6) Council Members nominated and elected from the City at large to serve a two (2) year term.

(B) Eligibility

Any person possessing the qualifications of an elector in the City of Oshkosh shall be eligible to election as Mayor or as a Council Member.

(C) Primary Required

A primary election shall be held in the City for the office of Mayor or Council Member whenever the number of candidates exceeds twice the number of Council positions to be filled.

**SECTION 2-3 TERMS (Repealed 11/09/04)**

**SECTION 2-4 TIME OF TAKING OFFICE; ELECTED OFFICIALS**

The regular terms of the Mayor and Council Members shall commence on the third Tuesday in April following their election.

**SECTION 2-5 VACANCIES**

All vacancies in the offices of elected officials shall be filled in accordance with Chapter 17 of the Wisconsin Statutes as may be amended from time to time.

## ARTICLE II. ELECTION AND ELECTION OFFICIALS

### SECTION 2-6 ADOPTING STATE STATUTES

Except as otherwise specifically provided, all provisions of Chapters 5-11, of the Wisconsin Statutes, and all relevant provisions of the Wisconsin Administrative Code adopted pursuant thereto describing and defining regulations with respect to elections are hereby adopted and by reference made a part of this Code as if fully set forth herein. It is the intention of this ordinance to include within such references all provisions in effect at the time of adoption of this section together with any applicable prior revisions and all future recodifications, renumberings and amendments unless otherwise expressly provided in such references. It is the intention of this section that any act required to be performed or prohibited by Chapter 5-11, of the Wisconsin Statutes, or by the relevant provisions of the Wisconsin Administrative Code, as previously amended, presently in effect or as may be amended in the future, incorporated within this section by reference, is an act required to be performed or is an act prohibited by this section.

### SECTION 2-7 ELECTION OFFICIALS

There shall be at least three (3) election inspectors at a polling place for all elections.

### SECTION 2-8 HOURS FOR VOTING

The polls in the City of Oshkosh on each election day shall remain open for voting from 7:00 o'clock a.m. until 8:00 o'clock p.m.

## ARTICLE III. LEGISLATIVE

### SECTION 2-9 COUNCIL DUTIES

- (A) Appointment and Removal of City Manager  
The Council shall select a City Manager. The City Manager shall be selected by the Council purely on merit. In selecting the City Manager, the Council shall give due regard to training, experience, executive and administrative ability, efficiency, general qualifications, and fitness for performing the duties of the office. No person shall be eligible to the office of City Manager who is not by training, experience, ability and efficiency well qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the Council to nationality, political or religious affiliations, or to any other consideration except merit and direct qualifications for the office. Residence in the City or State shall not be a qualification for the Office of City Manager. The Council may remove the City Manager from office in accordance with Chapter 64 of the Wisconsin Statutes.
- (B) Qualifications of Members  
The Council shall be the judge of the election and qualification of its members, and may fine or expel for neglect of duty.
- (C) Legislative Power  
The Council shall possess and exercise all legislative and general ordinance powers imposed and conferred by general law or special charter upon the Mayor and Council and the various boards and commissions not inconsistent with Chapter 64 Wisconsin Statutes. The Council shall not have the power to enact special executive or administrative orders.

- (D) Attention to Duty.  
Council Members shall devote such time to the duties of their office as the interests and general welfare of the City demand.
- (E) Power to Fix Salaries.  
The Council shall have power by ordinance to fix the salary of any successor Mayor and its own successors in office.
- (F) Administrative Powers.  
The Council shall, upon the report and recommendation of the City Manager, have the power to create general departments of city administration and to alter, reorganize or abolish by ordinance any administrative board or commission, with the exception of the Board of Police and Fire Commissioners.
- (G) Annual Audit  
At the end of each fiscal year, the Council shall cause a full and complete examination of all books and accounts of the City to be made by competent and public accountants who shall report in full to the Council.
- (H) To Elect Deputy Mayor  
At its first meeting on the third Tuesday following the spring general election the city council shall select by majority vote, one of its members to act as deputy mayor.

## **SECTION 2-10 COUNCIL MEETINGS**

- (A) First Meeting  
Following a regular City election, the new Council shall first meet on the third Tuesday of April in each election year at the Council Chambers in the City Hall at 12:00 o'clock noon of said day.
- (B) Regular Meetings  
(1) Time and Place  
The regular meetings of the Council of the City of Oshkosh shall be held in the Council Chambers of the City Hall on the second and fourth Tuesday in each month at 6:00 o'clock p.m.; except that if a regular meeting falls upon the same date as an election the regular meeting of the Council shall be held upon the Wednesday of that week.
- (C) Special Meetings  
Special meetings of the Council may be called by the Mayor of the Council, the City Manager, or any two members of the Council and shall be held in the Council Chambers. No other business shall be transacted at a special meeting except as specified in the notice of such meeting.
- (D) Adjournments  
Any regular or special meeting of the Council at which there shall be a quorum present may adjourn to a day and time fixed, at which time such meeting may in like manner be further adjourned; provided, however, that no such adjournments shall be to a time later than the next regular meeting.
- (E) Meetings Shall Be Public  
All meetings of the Council, whether regular or special, shall be open to the public as provided in

the Wisconsin Open Meetings Law, and all of the Council's official actions shall be recorded by the City Clerk or under authorization of the Clerk in record books kept for that purpose.

- (F) Call to Order  
The Mayor shall promptly call each meeting to order at the hour fixed for the holding of such meeting.
- (G) Roll Call and Quorum  
Before proceeding to business, the roll of the members of the Council shall be called and the names of those present and those absent shall be entered into the minutes by the Clerk or under the Clerk's authorization. A majority of the members of the Council shall constitute a quorum for the transaction of business, but a lesser number can adjourn any meeting and shall have power to compel the attendance of absent members.
- (H) Disturbance, How Suppressed  
Whenever any disturbance or disorderly conduct shall occur in the Council Chambers or rooms or halls adjacent thereto, the Mayor shall have power and authority to cause the same to be cleared of any or all persons except members and officers of the Council.

## **SECTION 2-11 DUTIES OF THE MAYOR**

The Mayor shall be the presiding officer of the Council and shall have a vote but no veto power. In the absence of the Mayor, the Deputy Mayor shall be the presiding officer of the Council and shall exercise all the duties and responsibilities of the Mayor. It shall be the general duty of the Mayor or other presiding officer:

- (A) Preside at Meetings  
To open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the chair and calling the members to order.
- (B) Announcement of Quorum  
To announce or to have announced, at the conclusion of the roll call, the fact of the presence of a quorum or not, as the case may be.
- (C) Presentation of Business.  
To announce or to have announced, the business before the Council in the order in which it is to be acted upon.
- (D) Receive Motions.  
To receive and submit, in proper manner, all motions and propositions presented by members.
- (E) Supervision of Voting  
To put to a vote the questions which are regularly moved or which necessarily arise in the course of the proceedings, and to announce or to have announced the result.
- (F) Enforce Rules of Order  
To restrain the members within the rules of order while engaged in debate.
- (G) Ensure Decorum  
To enforce on all occasions the observance of order and decorum among the members.
- (H) Rule on Points of Order  
To rule on any point of order or practice, subject to an appeal by any member.
- (I) Issue Proclamations  
To issue all proclamations.
- (J) Appointments  
To appoint, subject to Council approval, members to the various Boards and Commissions within

the City.

## **SECTION 2-12        PRESIDING OFFICER TO VACATE CHAIR IN ORDER TO ADDRESS COUNCIL**

The Mayor or other presiding officer of the Council may speak to any matter before the Council provided, however, that the chair is first vacated and the Deputy Mayor or other member is called upon to occupy it temporarily.

## **SECTION 2-13        SUBSTITUTION OF PRESIDING OFFICER**

The Mayor or other presiding officer of the Council may call the Deputy Mayor or a member to the Chair, but such substitution shall not extend beyond an adjournment.

## **SECTION 2-14        TEMPORARY PRESIDING OFFICER**

In the absence of the Mayor and the Deputy Mayor, one of the Council Members shall be elected to preside temporarily until the return of the Mayor or Deputy Mayor.

## **SECTION 2-15        ORDER OF BUSINESS**

The order of business of Council meetings, unless temporarily suspended by unanimous vote, shall be as follows:

- (A) Roll Call
- (B) Invocation
- (C) Pledge of allegiance
- (D) Public Hearings (if any)
- (E) Reading, correction (if any) and approval of minutes of the previous meeting.
- (F) Report of the City Manager
  - (1) Allowance of accounts.
  - (2) Administrative actions taken which require Council confirmation.
- (G) Allowance of Claims
- (H) Report of the City Clerk
- (I) Ordinances and Resolutions
- (J) Adjournment

## **SECTION 2-16        RULES OF ORDER AND PROCEDURE**

- (A) Resolutions  
All resolutions including those which would result in a charge of money against the City may be acted upon at the same meeting at which they are formally introduced in written form.
- (B) Ordinances  
Every ordinance or resolution in the nature of an ordinance shall receive two separate readings prior to its passage. It may be read in full or by title for the first time at the meeting at which it is introduced. The second reading shall take place at the following Council meeting by a reading in its entirety or by title only. Upon request of any Council Member it shall be read in its entirety. All ordinances shall be numbered consecutively by the Clerk upon adoption. Where an ordinance shall have the effect of amending, altering or adding to the code of general ordinances, it shall so

indicate, stating section number so affected. All ordinances shall be open to any pertinent amendment at any time until their final passage.

- (C) Petitions and Communications  
All petitions and communications addressed to the Council or intended for Council action shall be included in the City Clerk's report. All petitions and communications received by 4:30 p.m. of the Thursday preceding the Council meeting shall be included in the report of that meeting. This shall have the effect of giving the Council an opportunity to study all petitions and communications before they appear on an agenda for official action.
- (D) Requests and Reports  
All requests and reports addressed to the Council or intended for Council action shall be included in the City Manager's report. Adoption of the Manager's report shall have the effect of authorizing action in accordance with any requests or reports. All requests and reports received by 4:30 p.m. of the Thursday preceding the Council meeting shall be included in the report of that meeting. This shall have the effect of giving the Council an opportunity to study all requests and reports before they appear on an agenda for official action.
- (E) Voting Procedures  
An aye and no vote shall be called with the Mayor of the Council being called last, and recorded on the vote of every ordinance, resolution and expenditure of money and shall be taken upon any other matter requested by a Council Member. In the event that a Council Member declines to vote, the Clerk shall record the vote in the affirmative, except that a Council Member may vote "present" and have the vote recorded as "present" upon giving an explanation as to the reasons for so doing. A majority vote of all members of the Council shall be necessary to adopt any ordinance or resolution, except where a greater number is required by law.
- (F) Claims and Accounts  
All claims and accounts against the City shall be filed with the City Clerk who shall, after their audit and approval by the City Manager, present the same to the Council for final disposition.
- (G) Rules of Order  
The Council shall be governed by Roberts Rules of Order. Every member shall address the presiding officer before speaking and shall not be interrupted except by a call to order. The Council may adopt additional rules of procedure, from time to time, as may be necessary for the efficient conduct of its business.
- (H) Suspension of Rules of Order and Procedure  
These rules, or any of them, may be temporarily suspended at any meeting by a two-thirds vote of all members of the Council. The vote shall be ayes and noes and shall be so recorded.
- (I) Amendment of Rules  
These rules shall not be changed, amended or repealed unless the proposition or amendment is introduced in writing at a regular meeting and the same is laid over for consideration to a subsequent meeting with at least two weeks intervening.

## ARTICLE IV. CITY MANAGER

### SECTION 2-17 TERM OF OFFICE

The City Manager shall be engaged by the City Council for an indefinite term, subject to removal by the Council in accordance with the provisions of Chapter 64 of the Wisconsin Statutes.

### SECTION 2-18 DUTIES AND POWERS, GENERALLY

The City Manager shall be responsible for the administration of City government with the exception of those functions administered by appointed or elected boards. The City Manager shall have all of the powers necessary to discharge the responsibilities of the office, not inconsistent with the provisions of Chapter 64 of the Wisconsin Statutes.

### SECTION 2-19 DUTIES AND RESPONSIBILITIES

The City Manager shall have the following duties and responsibilities:

- (A) Effect the enforcement of all laws and ordinances.
- (B) Budget administration and budget preparation.
- (C) Enforce all franchises, permits and privileges granted by the City to utilities.
- (D) Protection of health, safety and welfare of the community within the standards of services adopted by the City Council.
- (E) Maintain and operate parks, playgrounds and any other recreational facilities now owned or acquired hereafter by the City Council.
- (F) Maintenance, operation and construction of streets, sewers, water plant and distribution system, sewage disposal plant and all other City owned facilities, buildings and equipment.
- (G) All fiscal transactions of the City.
- (H) Assuring the efficiency of all City services.
- (I) Keep the Council informed on all matters.
- (J) All administrative functions, including those heretofore mentioned.
- (K) Perform such other duties as may be required by the Council.

### SECTION 2-20 AUTHORITY NECESSARY TO DISCHARGE DUTIES

The City Manager shall have the authority to:

- (A) Authority to Appoint Officers; exception  
Appoint, suspend, lay-off or dismiss all heads of departments, all subordinate city officials and all employees, except that this Subsection shall not be construed as depriving the Board of Fire and Police Commissioners all the powers conferred by Section 62.13 of the Wisconsin Statutes.
- (B) Authority to Promulgate Rules and Regulations  
Prepare and put into effect any necessary administrative rules and regulations pertaining to

purchasing, personnel, fiscal transactions, city services and the conduct of employees.

- (C) Public Works  
Exercise all of the powers of the Board of Public Works.
- (D) Emergency Powers  
Take whatever action is necessary in purchasing or assignments of employees to protect the health, welfare and the safety of the citizens of Oshkosh.
- (E) Make Recommendation to Council  
Make recommendations to the Council on all matters of municipal concern.
- (F) Fill Vacancies  
Fill all vacancies not to exceed budget allotments, except that this shall not be construed as preventing the Manager from filling the vacancy with a lower paid classification or leaving the position vacant, if, in the Manager's opinion, the position does not need to be filled. This section shall not be construed to prevent the City Manager from creating or filling positions not specifically budgeted when in the Manager's opinion such action is in the best interest of the City and is temporary in nature.
- (G) Residual Executive Powers  
Exercise all other executive powers conferred upon the Manager in Chapter 64 of the Wisconsin Statutes.

**SECTION 2-21 CITY MANAGER: DELEGATION OF AUTHORITY; RESPONSIBILITY**

- (A) Creation of Departments; Delegation of Authority; Restrictions  
The City Manager shall be permitted to form departments and subdivisions of departments and staff offices upon confirmation by the Council. Although the Manager is permitted to delegate authority to these department heads and other supervisory personnel, the Manager shall not be permitted to delegate the responsibility for any function to these department heads or other supervisory personnel. The Manager shall be responsible to the Council for all functions.

**SECTION 2-22 ABSENCE OR DISABILITY**

The Manager may designate a qualified administrative officer of the City to perform the duties of City Manager during a temporary absence or disability. In the event of the failure to make such a designation, the Council may by resolution appoint an officer of the City to perform the duties of the Manager during such absence or disability, until the Manager shall return or disability shall cease.

**ARTICLE V. STAFF OFFICES AND DEPARTMENTS**

**SECTION 2-23 DEPARTMENTS AND OFFICES**

- (A) In order to aid the Manager the following staff offices and departments shall be created:
  - (1) STAFF OFFICES
    - (A) CITY ATTORNEY
    - (B) ADMINISTRATIVE SERVICES

- (C) CITY CLERK
- (D) DATA PROCESSING
- (E) ADDITIONAL STAFF OFFICES on a temporary basis may be created by the City Manager provided funds are made available in the budget.

(2) DEPARTMENTS

- (A) DEPARTMENT OF PUBLIC WORKS
- (B) DEPARTMENT OF FINANCE
- (C) FIRE DEPARTMENT
- (D) POLICE DEPARTMENT
- (E) DEPARTMENT OF PARKS
- (F) DEPARTMENT OF TRANSPORTATION
- (G) DEPARTMENT OF COMMUNITY DEVELOPMENT

**DIVISION 1    STAFF OFFICES**

**SECTION 2-24            CITY ATTORNEY**

The City Attorney shall perform the duties as are prescribed in the Wisconsin Statutes, particularly Section 62.09(12) thereof, and such other duties as the City Manager may prescribe. In the absence or disability of the City Attorney, or in the case of a vacancy in the office of the City Attorney, the Assistant City Attorney shall perform the duties of City Attorney.

**SECTION 2-25            ADMINISTRATIVE SERVICES**

The Administrative Services Office shall be responsible for recruiting and selection of employees, maintaining personnel records, preparing payrolls, administering the Purchasing Division, Administering programs for Workers' Compensation, the Wisconsin Retirement Fund, Unemployment Compensation, Safety, Training, Health and Life Insurance, collective bargaining and other employment matters, and such other duties as the City Manager may prescribe.

**(A)    Purchasing Division**

The Purchasing Division shall perform the following duties:

- (1) Administer city insurance programs.
- (2) Supervise operation of the Community Access Channel.
- (3) Secure certificates of title for all city-owned vehicles.
- (4) Act as purchasing agent for the Board of Public Works.
- (5) Make all other purchases for the City of Oshkosh.
- (6) Dispose of surplus equipment, buildings and materials.
- (7) Coordinate the activities of central services: printing, mailing, revolving fund, etc
- (8) Provide for maintenance of the City Hall and the central heating plant.
- (9) Such other duties as may be prescribed by the City Manager or Director of Administrative Services.
- (10) Manages operation and maintenance of PBX/Microwave System.

**SECTION 2-26        RESERVED****SECTION 2-27        CITY CLERK**

The City Clerk shall perform the duties prescribed by Wisconsin Statutes, particularly Section 62.09(11) thereof, and such other duties as the City Manager shall prescribe. In the absence or disability of the City Clerk or in the case of a vacancy in the office of the City Clerk, the Deputy City Clerk shall perform the City Clerk's duties and shall have power to administer oaths and affirmation.

**SECTION 2-28        DATA PROCESSING**

The office of Data Processing shall be responsible for developing and maintaining the various computer facilities utilized by the City and such other duties as the City Manager may prescribe.

***DIVISION 2. DEPARTMENTS*****SECTION 2-29        PUBLIC WORKS****(A)    Director of Public Works**

The Director of Public Works shall supervise the operations and functions of the department of Public Works and such other duties as directed by the City Manager. The Director of Public Works shall be responsible to the City Manager. The Director of Public Works shall be the head of any division of the Department of Public Works when a vacancy exists. The Assistant Director of Public Works shall be Acting Director of Public Works while the Director of Public Works is absent from the City or incapacitated or a temporary vacancy exists in the position of Director of Public Works.

**(B)    Duties**

The duties of the Department of Public Works shall include the following:

- (1) preparation of plans and specifications;
- (2) supervision of construction projects;
- (3) coordination of private utility construction with City maintenance and improvement projects;
- (4) setting of street and sidewalk grades;
- (5) maintaining a current boundary map of the City;
- (6) maintaining current records and locations of all utilities and City owned property;
- (7) street maintenance;
- (8) sealcoating;
- (9) street cleaning;
- (10) snow plowing and removal;
- (11) leaf removal;
- (12) sewer cleaning;
- (13) sewer maintenance;
- (14) weed cutting;
- (15) parking lot maintenance;
- (16) operation and maintenance of the filtration plant, pretreatment basin, all water storage tanks, hydrants, water meters and water pipe lines owned or operated by the City;
- (17) operation and maintenance of the sewage disposal plant and all lift stations connected to the sewer system;
- (18) operation and maintenance of the stormwater facilities and all appurtenant structures connected to the system;

- (19) collection of refuse and recyclables;
- (20) maintain all City vehicles, dispense gas and oil, operate a stock room and garages necessary for housing of City vehicular equipment, maintain cost records on each piece of equipment; and
- (21) such other duties as may be assigned by the City Manager.

## SECTION 2-30 DEPARTMENT OF FINANCE

### (A) Director of Finance

The Director of Finance shall perform the duties prescribed by the Wisconsin Statutes, particularly sections 62.09(9) and (10) thereof; the Director shall supervise the operations and functions of the Department of Finance; shall act as Budget Control Officer; assist the City Manager in the preparation of the budget; perform the statutory duties of City Treasurer and Comptroller; and such other duties as directed by the City Manager. The Deputy Director of Finance shall be acting Director of Finance and be responsible for the statutory duties of City Treasurer and Comptroller while the Director of Finance is absent or incapacitated.

### (B) Duties

The duties of the Finance Department shall include:

- (1) Collection of all accounts receivable, including taxes, special assessments, fees, non-moving violation fines, water, sewer, departmental earnings, etc.
- (2) Maintenance of parking meters, collection of parking meter receipts, operation of the parking ramp.
- (3) Execution of trust funds.
- (4) Make and Record bond payments.
- (5) Preparation of current cash statement.
- (6) Invest idle funds.
- (7) Post tax payments to tax roll.
- (8) Tax Settlement to County.
- (9) Payment of City Bills and Obligations.
- (10) Processing of accounts receivable.
- (11) Issuance of accounting statements.
- (12) Maintain cost records for water utility.
- (13) Preliminary budget preparation.
- (14) Internal auditing.
- (15) such other duties as may be assigned by the City Manager.

- (C) Pursuant to Section 70.67(2), of the Wisconsin Statutes, as may be amended from time to time, the city shall be obligated to pay, in case the Director of Finance shall fail to do so, all state and county taxes required by law to be paid by such Director to the County Treasurer.

### (D) Assessment Division

The Assessment Division shall be managed by the City Assessor who shall be under the direction and supervision of the Director of Finance. This Division shall perform the duty of maintaining current assessments on all property within the City, in accordance with State Statutes, and such other duties as directed by the Director of Finance. In the Assessor's absence, the Deputy Assessor shall manage this Division.

- (1) **Confidentiality Required..**  
Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7) (af), of the Wisconsin Statutes, or any successor statute, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that such information may be revealed to and used by persons: (a) in the discharge of duties imposed by law; (b) in the discharge of duties imposed by office, (including but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in the performance of its official duties; or (c) pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), of the Wisconsin Statutes, unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under Section 19.35(1) of the Wisconsin Statutes.

## **SECTION 2-31 FIRE DEPARTMENT**

- (A) **Purpose**  
The Fire Department shall be organized primarily to provide for the personal safety, protection of life and property of the inhabitants of the City of Oshkosh, from the adverse effects of fires, medical emergencies or other dangerous conditions, whether manmade or natural. The Fire Department shall perform such other duties as may be prescribed by the City Manager, providing these duties do not interfere with the primary duties of the Department.
- (B) **Fire Chief to Supervise Operations**  
The Fire Chief shall supervise and command the operations of this Department and perform such other duties as directed by the City Manager. The Fire Chief shall be under the direction of the City Manager for the operation of the Fire Department.
- (C) **Submission of information to Board of Police and Fire Commissioners by Fire Chief**  
Since the Fire Chief is appointed by and subject to removal by the Board of Police and Fire Commissioners, the Fire Chief shall provide any information requested by the Board which, in the Board's opinion, might help its members evaluate the Chief's performance in executing the Manager's directives and directing and supervising the operations of the Fire Department and evaluating employee job performance. All reprimands and letters of commendation by the Chief, subordinate officers or the public shall be submitted to the Board of Police and Fire Commissioners to be placed in the employee's personnel folder, if the Board so requires.

## **SECTION 2-32 POLICE DEPARTMENT**

- (A) **Function; Organization**  
The Police Department shall be organized primarily for the enforcement of the laws of the State of Wisconsin and the ordinances of the City of Oshkosh and for the purposes of crime and accident prevention.
- (B) **Police Chief to Supervise Operations**  
The Police Chief shall supervise and command the operations of this Department and perform such other duties as directed by the City Manager. The Police Chief shall be under the direction of the City Manager in the operation of the Police Department.

- (C) Submission of information to Board of Police and Fire Commissioners by Chief of Police  
 Since the Police Chief is appointed by and subject to removal by the Board of Police and Fire Commissioners, the Police Chief shall provide any information requested by the Board which, in the Board's opinion, might help its members evaluate the Chief's performance in executing the Manager's directives, and directing and supervising the operations of the Police Department and evaluating employee job performance. All reprimands and letters of commendation by the Chief, subordinate officers or the public shall be submitted to the Board of Police and Fire Commissioners to be placed in the employee's personnel folder, if the Board so requires.

## **SECTION 2-33 DEPARTMENT OF PARKS**

- (A) The Director of Parks  
 The Director of Parks shall supervise the operations and functions of the department of Parks and such other duties as directed by the City Manager. The Director of Parks shall be responsible to the City Manager. The Director of Parks shall be the head of any division of the Department of Parks when a vacancy exists. The Assistant Director of Parks shall be Acting Director of Parks while the Director of Parks is absent from the City or incapacitated or a temporary vacancy exists in the position of Director of Parks.

The Director of Parks shall perform the following duties and such other duties as may be prescribed by the City Manager:

- (1) shall provide for the operation and maintenance of all parks, playgrounds, and any other recreational facilities owned or acquired by the City;
- (2) shall provide for the operation and maintenance of the Municipal Golf Course;
- (3) be responsible for the successful promotion, administration, and maintenance of all functions of the Oshkosh Convention Centre and the Grand Opera House;
- (4) forestry; and
- (5) operate and maintain municipal Cemeteries.

## **SECTION 2-34 DEPARTMENT OF TRANSPORTATION**

- (A) Director  
 The Director of Transportation shall supervise the operations and functions of the Department of Transportation and such other duties as directed by the City Manager. The Director of Transportation shall be responsible to the City Manager. The Director of Transportation shall be the head of any division of the Department of Transportation during a period in which a vacancy exists. The Assistant Director of Transportation shall be Acting Director of Transportation while the Director of Transportation is absent from the City or incapacitated or a temporary vacancy exists in the position of Director of Transportation.

- (B) Duties  
 The Department of Transportation shall be responsible for the following duties:
- (1) Maintain and operate the transit system within the City;
  - (2) Traffic Engineering including signage, and street markings; and
  - (3) Electrical Division

**SECTION 2-35 DEPARTMENT OF COMMUNITY DEVELOPMENT****(A) Director of Community Development**

The Director of Community Development shall supervise the operations and functions of the Department of Community Development and such other duties as directed by the City Manager. The Director of Community Development shall be responsible to the City Manager. The Director of Community Development shall be the head of any division of the Department of Community Development when a vacancy exists. The Director of Community Development shall appoint an assistant to be Acting Director of Community Development while the Director of Community Development is absent from the City or incapacitated or a temporary vacancy exists in the position of Director of Community Development.

**(B) Duties**

The duties of the Department of Community Development shall include the following:

- (1) operation of a Planning Services Division with such responsibilities as defined under section 62.23 of the Wisconsin Statutes, and which shall aid the City Manager in gathering facts and analyzing data necessary in making recommendations to the Common Council or the City Plan Commission;
- (2) operation of an Inspection Services Division which shall perform the protective inspection services, such as plumbing inspection, electrical inspection, building inspection, weights and measures inspection and housing inspection;
- (3) operation of a Health Services Division with such responsibilities as defined within Chapters 14 and 15 of this municipal code;
- (4) operation of the Aging Services Division which shall maintain and operate the Senior Center within the City;
- (5) operation of a Housing Authority Division which shall maintain and operate all Housing Authority complexes and housing programs administered by the City; and
- (6) such other duties as may be assigned by the City Manager.

**ARTICLE VI. CITIZENS ADVISORY BOARDS AND COMMISSIONS***DIVISION 1. GENERAL PROVISIONS***SECTION 2-36 RULES, MINUTES, NOTICE AND COMPENSATION**

Unless specifically modified elsewhere in this Code, the following provisions shall apply to all boards or commissions of the City of Oshkosh:

- (A) Notwithstanding anything to the contrary contained within this Municipal Code, terms for all citizen advisory boards, commissions and committees, whether enumerated in this Chapter or elsewhere in this Code, shall begin on June 1 and shall terminate on May 31 of the respective year; except that the terms for Board of Review shall begin on May 1 and shall terminate on April 30 of the respective year.
- (B) Except for boards and commissions specifying a particular membership by the person's position or title and members of the Library Board, all persons appointed to or serving as a member of a standing board or commission of the City shall be residents of the City of Oshkosh. A vacancy is created whenever a member who is required under this section to be a resident of the City of Oshkosh ceases to be a resident of the City of Oshkosh.

- (C) Individuals shall serve on no more than two (2) boards or commissions for the City of Oshkosh.
- (D) Boards and commissions shall hold regular meetings at a regular time and place as fixed by the board or commission. Special meetings may be called by the chairperson upon written notice to the members. Meetings shall be duly and properly noticed and open to the public as provided by law. Boards and commissions may adopt rules for their governance and procedures.
- (E) Each board and commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the secretary of the board or commission or with the City Clerk and shall be public records. Minutes of the meetings shall be forwarded to the City Council.
- (F) Each board and commission shall elect from its membership a chairperson who shall preside at all meetings, a vice chairperson who shall exercise the powers of chairperson in the absence or disability of the chairperson and a secretary. Each shall serve one-year terms, until a successor is elected and qualified.
- (G) No compensation shall be paid to any board or commission member for service as such, but members may be reimbursed for actual and necessary expenses incurred in performing related duties outside the City if so authorized by the board or commission.
- (H) A majority of the membership shall constitute a quorum. A lesser number may adjourn. A majority vote of those members present and voting shall be necessary to adopt any motion.
- (I) The Mayor, subject to Council approval, or the chairperson, subject to board or commission approval, may establish subcommittees for specific purposes as determined by the Council, or the board or commission. These general provisions shall apply to all subcommittees.

## *DIVISION 2. BOARDS AND COMMISSIONS*

### **SECTION 2-37 COMMITTEE ON AGING**

#### (A) Membership and Terms

The Oshkosh Committee on Aging shall consist of thirteen (13) members. Each member shall serve for a period of three (3) years. Associate members may be appointed for indefinite terms to serve on the Committee with all rights and privileges, except as to voting, as Board members appointed hereunder.

#### (B) Duties, Purposes and Functions The Committee shall:

- (1) Assess the needs of the Aging, determine the resources available, and recommend action for bridging the gap between needs and resources.
- (2) Coordinate existing community services to meet the needs of the Aging to avoid overlapping and duplication.
- (3) Recommend, if needed, the establishment of services and programs to meet the needs of the Aging.
- (4) Recommend, if needed, the establishment of an Advisory Committee composed of representatives of agencies serving and concerned with the problems of the Aging, to be appointed by the City Manager.
- (5) Appoint the Oshkosh Seniors Center Board of Directors whose purpose shall be to advise as to the operation of the Oshkosh Seniors Center.

- (6) Appoint sub-committees as determined by the Committee in areas such as: (1) Community Activities; (2) Health; (3) Housing; (4) Economic Independence; (5) Social Services; and (6) Personal Service Activities.
- (C) Notwithstanding anything to the contrary, not more than 25% of the membership of the entities created pursuant to subparagraphs B(4), (5) and (6) above may be non-residents .

## **SECTION 2-38 BID BOARD**

- (A) Membership and Terms  
The Downtown Oshkosh Business Improvement District (BID) Board shall consist of ten (10) members appointed for three (3) year terms. Members shall be of the category necessary to ensure Board representation stipulated by the annual operating plan.
- (B) Duties and Responsibilities  
The Board shall develop and implement an annual operating plan for the BID.

## **SECTION 2-39 (RESERVED) Formerly - CABLE TV ADVISORY COMMISSION (Repealed 9/11/08 – Resol. 08-376)**

## **SECTION 2-40 (RESERVED) Formerly - OSHKOSH C.A.N. BOARD (Confront Addictions Now) (Repealed 5/11/04 – Resol. 04-161)**

## **SECTION 2-41 (RESERVED)**

## **SECTION 2-42 SUSTAINABILITY ADVISORY BOARD**

- (A) Membership and Terms  
The Sustainability Advisory Board shall be a permanent board composed of nine (9) members. Terms of members shall be for three (3) years.
- (B) Responsibility  
The Sustainability Advisory Board is charged with the responsibility of advising the City Manager and Common Council on sustainability issues affecting municipal operations and the community at large.
- (C) Duties
1. Promote sustainability in the community.
  2. Advise the City Manager and Common Council on existing and proposed City Ordinances and actions and State and Federal regulations pertaining to sustainability.
  3. Facilitate citizen and agency input pertaining to sustainability.
  4. Collaborate in the development and monitor implementation of a Community Sustainability Plan.

## **SECTION 2-43 FAIR HOUSING COMMISSION**

- (A) Membership and Terms  
The Fair Housing Commission shall be comprised of five (5) members, in addition to the Director of Community Development or designee, who shall be secretary thereof, without vote. Appointments shall be for three year terms.
- (B) Powers and Duties of Commission  
The Fair Housing Commission shall have the following powers and duties:
- (1) Adopt Rules  
To adopt, amend, publish and rescind rules for governing its meetings and hearings; and for implementation of this Division.
  - (2) Receive and Investigate Complaints  
To receive and authorize staff investigation of all complaints alleging any discriminatory practice prohibited by The Fair Housing Ordinance contained in Chapter 16 of this Municipal Code.
  - (3) Promote Settlement Agreements  
The Commission shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences.
  - (4) Hearings  
To hold hearings, if necessary, after efforts at settlement based on complaints made against any person, to administer oaths and take testimony, to compel the production of books, papers and other documents relating to any matter involved in the complaint, and to subpoena witnesses and compel their attendance.
  - (5) Recommend Enforcement Measures  
To make recommendations for enforcement of The Fair Housing Ordinance contained in Chapter 16 of this Municipal Code to the City Attorney.
  - (6) Recommend Legislation to Council  
To recommend to the City Council any legislation necessary to promote and further the purposes of The Fair Housing Ordinance contained in Chapter 16 of this Municipal Code and to file annual written reports of its work with the City Council.

## **SECTION 2-43.2 LONG RANGE FINANCE COMMITTEE**

- (A) Membership and Terms. The Long Range Finance Committee shall consist of nine (9) members, two (2) of whom shall be Common Council Members. At initial appointment, 2 members shall be appointed for a one (1) year term, 2 members shall be appointed for two (2) year terms, and 3 members shall be appointed for three (3) year terms. Thereafter members shall be appointed and serve three year terms, except the terms of the Common Council representatives shall be one (1) year terms.
- (B) Purpose, Duties and Functions: The Long Range Finance Committee shall have the responsibility to advise the Common Council on policy issues related to the City's finances including areas such as policy development, communications, and the impact of state legislation and policy decisions of the Council.

**SECTION 2-44          ADVISORY GRAND OPERA HOUSE BOARD**

- (A) Membership and Terms  
The Oshkosh Advisory Grand Opera House Board shall consist of eleven (11) members. Ten (10) members shall be appointed for three (3) years terms. The eleventh (11th) member, who shall be a member of the City Council, shall be appointed for a term of one (1) year.
- (B) Secretary to Board  
City staff shall exercise the usual functions of secretaries and shall keep the minutes of the Board's Meetings.
- (C) Functions  
The Advisory Grand Opera House Board is empowered to advise and assist the City Administration and Common Council concerning the responsibilities of the City as set forth in the Lease and Operating Agreement between the Oshkosh Opera House Foundation, Inc. and the City of Oshkosh.
- (D) Accounts  
The City Treasurer shall set up an account on the books, for the purpose of supporting The Oshkosh Grand Opera House Fund. All gifts or contributions, or the proceeds therefrom in the form of money, shall be deposited with the City Treasurer, all such deposits to be credited to said Oshkosh Grand Opera House Fund. All expenditures from said fund shall be solely for the purpose of adding to or improving the Grand Opera House, and shall be spent solely with the approval of the Oshkosh City Council.

**SECTION 2-45          BOARD OF HEALTH**

- (A) Membership and Terms  
The Board shall consist of five (5) members and two alternates. Of these five (5) members, at least three (3) shall be persons who are not elected officials or employees of the City of Oshkosh. Members shall be residents of the City of Oshkosh and shall be appointed by the Mayor and confirmed by the City Council for a term of three (3) years. There shall also be a member appointed from the City Council whose term shall be one (1) year and who shall be appointed by the Mayor. Alternate members shall act with full power, only when a member of the Board refuses to vote because of conflict of interest or in a members absence.
- (B) Duties and Responsibilities  
The Board of Health shall have those duties and responsibilities as are prescribed within the state statutes, particularly section 251.04 thereof, except for those powers which deal with contracting and employment.

**SECTION 2-46          (RESERVED)**  
**Formerly --OSHKOSH HUMAN RELATIONS COUNCIL**  
**(Repealed 6/28/05 – Resol. 05-208)**

**SECTION 2-47          (RESERVED)**  
**Formerly – JOINT CITY/COUNTY PUBLIC SAFETY BUILDING BOARD)**  
**(Repealed 2/08/05 – Resol. 05-37).**

**SECTION 2-48 LANDMARKS COMMISSION****(A) Membership and Terms**

The Landmarks Commission shall be composed of six (6) voting members consisting of: Five (5) citizen members, and one (1) Council Member. The Director of Community Development or designee shall serve as coordinator and recording secretary for the Commission. There shall also be appointed two (2) alternate members, who shall be authorized to act in the place of a Commissioner who is unable to attend a meeting. The first alternate appointed shall act first and the second alternate appointed shall act second. Citizen members shall serve three (3) year terms. In addition to these voting members, the Director or his/her designee of the Paine Art Center and Gardens and the Director or his/her designee of the Oshkosh Public Museum shall be non-voting members of the Commission.

**(B) Duties, Purposes, and Functions**

The Landmarks Commission:

- (1) shall recommend to the City Council those historic sites, structures, and districts which are of sufficient significance to be classified as landmarks and the criteria under which these were developed.
- (2) may receive and expend funds for the benefit of protecting, supporting or promoting the City's historic, architectural and cultural heritage.
- (3) shall report to the Oshkosh City Council as requested to review its work program and expenditures.
- (4) shall foster the protection, enhancement, and perpetuation of historic improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
- (5) shall safeguard and foster civic pride in the City's historic and cultural heritage as embodied and reflected in landmarks and historic districts.
- (6) shall cooperate with the City administration to provide information on historic resources to be used to meet requirements of the State of Wisconsin "smart growth law".
- (7) shall implement and regulate the provisions of Article 18, of Chapter 30 of this Code, **Historic Preservation**.

**SECTION 2-49 LIBRARY BOARD****(A) Membership and Terms**

The Library Board shall consist of nine (9) members who shall be appointed for three year terms. Eight members shall be residents of the City of Oshkosh except that not more than two (2) members may be residents of towns adjacent to the municipality, who shall be appointed by the Mayor with the concurrence of the Council. The Superintendent of Schools or his/her representative shall be an additional member of the Board. Up to two additional members may be appointed by the County as provided in sec. 43.60(3) Wis. Stats.

**(B) Duties and Powers**

The Library Board shall have the duties and powers as prescribed in Sections 43.25 to 43.31 of the Wisconsin Statutes. The Library Board establishes all policies governing the management and

operation of the Library and the Board has the power to contract for the extension of Library Services.

(C) Employees

Notwithstanding ss. 59.031(2)(br) and 59.033(2)(b) Wis. Stats., the Library Board shall supervise the administration of the Public Library and shall appoint a librarian, who shall appoint such other assistants and employees as the Library Board deems necessary, and prescribe their duties and compensation.

(D) Budget

The Library Board shall have exclusive control of the expenditure of all moneys collected, donated, or appropriated for the Library Fund, and of the purchase of a site and the erection of Library Buildings whenever authorized. The Library Board also shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality for library purposes.

## **SECTION 2-50          PARKING UTILITY COMMISSION**

(A) Membership and Terms.

The Commission shall consist of five (5) members, one of whom shall be a city council member. The Transportation Director or designee shall serve as the Commission Coordinator and shall not have voting privileges. Citizen members shall serve for a term of 3 years and the council member shall serve for a term of one (1) year.

(B) Duties and Responsibilities

- (1) The Commission shall have jurisdiction over metered and other off-street parking, metered on-street parking, formerly metered parking in the downtown area, and parking ramp(s). Matters concerning the removal of on-street parking meters, in the interest of safety and/or for intersectional traffic flow, shall be under the jurisdiction of the Traffic Review Board.
- (2) The Commission shall study and recommend to the Common Council all matters involving meter rates, rental rates, ticket fines, acquisition plans, improvement plans, and methods of financing.
- (3) The Commission shall, upon prior approval of the Common Council, have the power to borrow money, issue bonds, and re-finance existing obligations for the construction, maintenance, and operation of parking facilities.
- (4) The Common Council shall retain the power:
  - (a) To establish meter, rental, ticket and miscellaneous rates.
  - (b) To exercise police power.
  - (c) To maintain, repair, and improve existing parking facilities.
  - (d) To acquire ownership of real or personal property and make improvements thereon.
  - (e) To provide final approval prior to the Commission borrowing money, issuing bonds, refinancing existing obligations, and assuming all other forms of indebtedness, except as stated in Section (5).
- (5) The Commission shall have the power to obtain an option(s) not to exceed \$1,000 and to obtain related appraisals; and the Commission shall have the power to enter into lease

agreements for parking facilities in an amount not to exceed the yearly tax levy for the parcel.

(C) Fiscal Responsibility

- (1) The Commission shall reimburse the City from Parking Utility Fund for all expenditures necessary to operate off-street, on-street and parking ramp(s) facilities.
- (2) All utility expenditures shall be audited annually.
- (3) The Commission shall, on or before October 15 of any year, submit a budget showing all revenues and expenditures.

**SECTION 2-51          ADVISORY PARK BOARD**

(A) Membership and Terms

The Advisory Park Board shall consist of nine (9) members, one of whom shall be a City Council Member. Citizen members shall serve for a term of three (3) years and the council member shall serve for a term of one (1) year.

(B) Functions

The Advisory Park Board is empowered and directed to:

- (1) Advise and assist the City Parks Director, City Administration, Common Council, and Planning Commission in planning and developing the Oshkosh Park System to include parks, open spaces, forestry, golf courses, municipal cemeteries, waterways, and other related areas.
- (2) Participate in the development of the Parks Capital Improvement Program and annually recommend priorities.
- (3) To establish a bicycle advisory subcommittee which shall meet quarterly and shall recommend to the Advisory Parks Board the priorities for expenditures from the bicycle fund and other matters related to bicycle safety and usage.

(C) Coordination of the Advisory Park Board with other Governmental Units

Prior to acting on the Park Budget, Park Capital Improvements or any Park Acquisition or sale the Common Council and Planning Commission shall obtain an advisory review from the Park Board.

**SECTION 2-52          PLAN COMMISSION**

(A) Membership and Terms

The City Plan Commission shall consist of one (1) Council person, eight (8) citizens, and two (2) alternates so that the Commission shall consist of nine (9) members. Citizen members shall be persons of recognized experience and qualifications. The term of the eight (8) citizen members and two (2) alternates shall be for a three (3) year term. The council member shall serve for a term of one (1) year.

(B) Functions and Duties

The functions and duties of the Commission shall be as prescribed in Chapter 30 of this Code and in Section 62.23 of the Wisconsin Statutes.

**SECTION 2-52.1 EXTRATERRITORIAL ZONING COMMITTEE**

- (A) Membership and Terms.  
The Extraterritorial Zoning Committee shall consist of three (3) citizen members of the Plan Commission and two (2) alternate citizen members of the Plan Commission.
- (B) Functions and Duties.  
The functions and duties of the Extraterritorial Zoning Committee shall be as prescribed in Chapter 30 of this Code and in Section 62.23(7a) of the Wisconsin Statutes as it relates to the Town of Algoma.

**SECTION 2-53 BOARD OF POLICE AND FIRE COMMISSIONERS**

- (A) Membership and Terms  
The Board of Police and Fire Commissioners shall consist of five (5) citizens who shall be appointed by the Mayor for a term of five years.
- (B) Functions and Duties  
The Board shall have such functions and duties as are prescribed by the Wisconsin Statutes, particularly section 62.13 thereof.

**SECTION 2-54 PUBLIC MUSEUM BOARD**

- (A) Membership and Terms  
The Oshkosh Museum Board shall consist of seven (7) members and two (2) alternates, each being appointed for a term of three (3) years. The President of the School Board and the Superintendent of Schools shall be ex officio members. An alternate member shall serve only in the absence of a regular member and shall have such duties as provided in this Section during the regular member's absence.
- (B) Employees  
The Board shall have power to employ a Director to be in active charge of the Oshkosh Public Museum and an assistant to such Director. The Director and Assistant Director shall not be City officials. Their compensation shall be fixed by the Common Council at the time and in the manner prescribed for the fixing of salaries for other officers and employees. The Board shall have further power to employ additional persons as it shall deem necessary for the proper operation, management, and functioning of the Museum, provided, however, that compensation for the services of additional employees shall be included in the budget and submitted to the Common Council for approval.
- (C) Accounts  
Any bills and expenses incurred under the direction and authority of said Board shall be approved by the Board. A proper City voucher shall be prepared therefor, executed by an officer of said Board, and thereafter filed with the City Clerk and allowed in accordance with Section 61.12, Subsection (8)(1), of the Wisconsin Statutes. The Board may delegate to the Director in charge of the Museum such power and authority as it shall deem necessary and proper to expend moneys provided for in the annual budget for Museum purposes as shall be consistent with efficient financial management of the Museum.
- (D) Trust Funds, Gifts and Contributions

The City Treasurer shall set up an account on the books, for the purpose of supporting the Oshkosh Public Museum. All gifts or contributions, or the proceeds therefrom in the form of money, shall be deposited by the Museum Board with the City Treasurer, all such deposits to be credited to said Oshkosh Public Museum Fund. All expenditures from said fund shall be solely for the purpose of adding to or improving the various collections and exhibits in the Museum, and shall be spent solely at the discretion of said Museum Board. Drafts against this fund in the hands of the City Treasurer shall be made on vouchers approved by the Board as other accounts are paid.

(E) Acquisition of Property

The Board shall have power to accept all gifts, donations, bequests, grants, and devises of property, both real and personal, for the enrichment and improvement of the Museum properties, provided, however, that, before accepting grants, devises, or gifts of real estate, such grant, devise, or gift must be approved by the Common Council. The Board shall have further power to derive revenues in proper legal ways which the members shall from time to time agree upon, to be expended for Museum purposes.

(F) General Powers

The enumerated powers vested by this ordinance in said Museum Board shall be in addition to its general powers to manage and control said Museum. Said Board shall have power to manage, control, and operate said Museum through the setting of policies and its employment of the Director and Assistant Director and to do all proper and legal acts for carrying out the powers and duties imposed upon said Board by this ordinance.

(G) Code of Ethics

The relations between the Museum and the public, between museums, between the Director and the Museum Board, between the Director and other museum employees, between other museum employees and the Director, and between museum employees shall be governed in all respects where possible and practicable by the Code of Ethics of the American Association of Museums, and it shall be the further duty of the Museum Board to enforce said code whenever need for such enforcement is called to its attention.

## **SECTION 2-55 BOARD OF PUBLIC WORKS**

The duties of the Board of Public Works as set forth in the Wisconsin Statutes, particularly Section 62.14 thereof, shall be exercised by the City Manager.

## **SECTION 2-56 BOARD OF REVIEW**

(A) Composition

The Board of Review shall consist of five (5) members and two alternates, each being residents of the City of Oshkosh, none of whom shall occupy any public office or be publicly employed. Members and alternates shall serve for five-year terms and shall be appointed by the Mayor with approval of the Common Council. Alternates shall serve when a member is absent from a hearing or hearings, or is otherwise unable to participate in a hearing or hearings pursuant to Sec. 70.47(6m), Wis. Stats. In addition, the City Clerk shall serve as a non-voting member of the Board.

(B) Functions and Duties

The Board shall have such functions and duties as are prescribed by the Wisconsin Statutes, particularly Section 70.45 and Section 70.47 thereof.

**SECTION 2-57 TRAFFIC REVIEW AND ADVISORY BOARD**

- (A) Membership and Terms  
The Traffic Review Advisory Board shall be composed of seven (7) members. The Director of Transportation or designee shall serve as the coordinator for the Board. The Board shall be comprised of six (6) citizen members who shall serve three (3) year terms and one (1) Council Member who shall serve a one (1) year term.
- (B) Functions and Duties  
The Board shall study and recommend to the Common Council on all matters involving non-metered, on-street parking, intersectional traffic flow, speed limits, pedestrian right of ways, crosswalks, bus stops, taxicab parking areas, school zones, vehicular traffic, and snow emergency traffic regulations.

**SECTION 2-58 TRANSIT ADVISORY BOARD**

- (A) Membership and Terms  
The Transit Advisory Board shall be composed of seven (7) members. The Transportation Director or designee shall serve as the coordinator for the Board. The Board shall be comprised of six (6) citizen members who shall serve four (4) year terms and one (1) council member who shall serve a one (1) year term.
- (B) Duties and Responsibilities  
The Transit Advisory Board shall guide and assist in the implementation of improved transit service to the City of Oshkosh. The Board will monitor the level of transit service provided to ensure an efficient and effective operation.

**SECTION 2-59 BOARD OF ZONING APPEALS**

- (A) Membership and Terms  
The Board of Appeals shall consist of five (5) members and two alternate members appointed for a term of three years.
- (B) Functions and Duties  
(1) The Board of Zoning Appeals shall have the duties and powers prescribed in Section 62.23 of the Wisconsin Statutes and Chapter 30 of this Municipal Code.

**SECTION 2-59.1 STORM WATER UTILITY APPEALS BOARD**

- (A) Membership and Terms  
The Storm Water Utility Appeals Board shall consist of five (5) members appointed for a term of three (3) years.
- (B) Functions and Duties  
The Board shall provide advice and recommendations to the Council concerning stormwater utility planning, projects, rates and credits, and shall conduct all appeals, pursuant to Sections 24-14(C)(9) and (10) of this Code.

**SECTION 2-59.2 URBAN WILDLIFE ADVISORY COMMITTEE****(A) Membership and Terms**

The Urban Wildlife Advisory Committee shall consist of nine (9) members, one of whom shall be a Common Council Member. At initial appointment, 2 members shall be appointed for a one (1) year term, 3 members shall be appointed for two (2) year terms, and 3 members shall be appointed for three (3) year terms. Thereafter members shall be appointed and serve three year terms, except the term of the City Council representative shall be a one (1) year term.

**(B) Purpose, Duties and Functions: The Urban Wildlife Advisory Committee shall:**

- (1) Identify best practices for urban wildlife management
- (2) Evaluate what has been accomplished with respect to urban wildlife management in the past
- (3) Identify and evaluate specific options for wildlife management
- (4) Identify areas within the City where urban wildlife present specific problems
- (5) Create specific nuisance abatement plans for different species/areas
- (6) Annually evaluate nuisance abatement plans and recommend changes

**ARTICLE VII. PERSONNEL***DIVISION 1. EMPLOYEES***SECTION 2-60 REPRESENTED EMPLOYEES.**

Employees as defined in Section 111.70 of the Wisconsin Statutes shall be governed and controlled insofar as wages, hours and conditions of employment are concerned by labor agreements entered into between the various employee representatives and the City of Oshkosh.

**SECTION 2-61 NON-REPRESENTED EMPLOYEES.**

Non-Represented employees shall be governed by rules and regulations adopted by the City Manager and approved by the Common Council of the City of Oshkosh with regard to wages, hours, and conditions of employment.

*DIVISION 2. WORKMEN'S COMPENSATION AND INSURANCE***SECTION 2-62 WORKMEN'S COMPENSATION RESERVE FUND****(A) Funds Obtained From Appropriations**

The Workmen's Compensation Reserve Fund of the City shall be kept as a separate fund under said title by the City Treasurer. The fund shall consist of all unexpended appropriations, if any, provided for in the current budget each year for payment of workmen's compensation claims as of the close of the City's business day on December 31st each year hereafter. The Treasurer shall, at

the close of each year, credit the unexpended appropriations, if any, to the Workmen's Compensation Reserve Fund.

(B) Fund Limited to \$100,000.00

When the Workmen's Compensation Reserve Fund shall have reached One Hundred Thousand Dollars (\$100,000.00) in amount, the City Treasurer shall discontinue crediting any further unexpended appropriations as aforesaid to the fund.

(C) Deficiencies to be Made Up from Reserve Fund

If workmen's compensation claims, payable by the City in any one year, shall exceed the amount appropriated in the budget for the year for such purposes, then the claims in excess of the current appropriations shall be paid to whatever extent necessary or possible out of the Workmen's Compensation Reserve Fund. In any event, the City Treasurer shall continue to credit the unexpended appropriations, if any, to the Workmen's Compensation Reserve Fund at all times when the fund shall amount to less than One Hundred Thousand Dollars (\$100,000.00).

## ARTICLE VIII. PENALTIES

### SECTION 2-63 PENALTIES

Any person who shall violate any of the provisions of this Chapter or of any Section thereof, shall, upon conviction thereof, be punished by a forfeiture of not less than \$75.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate offense.