

**\*\*\*ATTACHMENTS\*\*\***

*"I think local government is the hardest job in the country because it is one thing to be at the federal level where you can talk grand thoughts, talk about things in policy terms, and encourage legislation that channels your decision making into certain goals; it is another thing to pick up the garbage, to plow the snow, to sweep the street, to make sure your signal lights are working. Local government is really hard. That is where the rubber meets the road, and it is much harder than federal government." -- Pauline A. Schneider*



**GENERALLY USED RULES OF  
ORDER, PROCEDURE AND CONDUCT  
FOR  
COMMON COUNCIL, COMMISSIONS, COMMITTEES,  
BOARD MEMBERS, AND THE PUBLIC**

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# City of Sheboygan

## Generally Used Rules of Order, Procedure and Conduct For

### Common Council, Commissions, Committees, Board Members, and the Public

*“I think local government is the hardest job in the country because it is one thing to be at the federal level where you can talk grand thoughts, talk about things in policy terms, and encourage legislation that channels your decision making into certain goals; it is another thing to pick up the garbage, to plow the snow, to sweep the street, to make sure your signal lights are working. Local government is really hard. That is where the rubber meets the road, and it is much harder than federal government.” – Pauline A. Schneider*

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## Preface

This handy manual is intended to provide the alderpersons, commissioners, committee members, board members, city officers and those in attendance of all meetings within the jurisdiction of the city with general rules of decorum during all formal meetings. These rules are intended for easy reference only and do not supercede current city ordinances or resolutions. The City of Sheboygan follows the rules of parliamentary procedure set forth in Robert’s Rules of Order, Newly Revised, in all cases in which they are applicable and not inconsistent with the ordinances and regulations of the City.

The Mayor and Chairperson set the tone and structure of the meetings they preside over. That tone and structure may vary from individual to individual. The Mayor and Chairperson are responsible for ensuring that debate and discussion is conducted appropriately, professionally and within the rules of order. They enforce the observance of order and proper decorum between the entire membership and those present during any meeting. The Mayor and Chairperson have discretionary authority to excuse non-members from the meeting whenever any disturbance or disorderly conduct shall occur.

All alderpersons, commissioners, committee members, board members, officers and those in attendance at all meetings shall conform their conduct to the rules and expectations of this manual.

## A. COMMON COUNCIL PROCEEDINGS

### I. Generally Used Rules of Order and Procedure

Only the items posted on the agenda may be acted on. Any items posted for discussion only may not be acted on. Items not posted on the agenda may be properly introduced as “Other Matters Authorized by Law.”

The Consent Agenda deals with matters generally regarded as routine. However, any alderperson may call a specific document for separate action after the motion is made to approve the agenda. Documents in the consent agenda requiring clarification should simply be inquired about and not called for separate action.

Any Alderperson may request to pull forward any document out of the order of the agenda.

#### **A. Most Commonly Used Documents**

The following are the five types of documents the Common Council generally acts on:

**Ordinances** - ordinances are the laws of the city. An ordinance may enact new legislation or amend or repeal an existing ordinance.

The proper motion for the passage of an ordinance is: “I move that the Ordinance be put upon its passage.”

This motion requires a second, is debatable, amendable and generally requires a majority vote, unless otherwise required by law or ordinance. For example, charter ordinances require a two-thirds vote of all members.

**Resolutions** - the Common Council conducts general business through resolutions. They are generally less permanent enactments than ordinances. Resolutions may direct or authorize the appropriate city officials to act on matters approved by the Common Council. Resolutions also may be used to create committees, commissions or boards to assist the Common Council in conducting its business.

The proper motion for the passage of a resolution is: “I move that the resolution be put upon its passage.”

This motion requires a second, is debatable, amendable and generally requires a majority vote, unless otherwise required by law or ordinance. For example, resolutions altering the adopted budget require a two-thirds vote of the entire membership of the Council.

**Report of Committees** - generally known as R.C.s, these reports are generated and referred to the Common Council by a committee for approval or disapproval on matters that were initially referred to them.

The proper motion for acting on an R.C. is: “I move that the R.C. be accepted and adopted” (or accepted and filed). “Accept and adopt” is approval of the recommendation. “Accept and file” is taking no action on the recommendation.

This motion requires a second, is debatable but not amendable and requires a majority vote.

**Report of Officers** - generally known as R.O.s, these reports are recommendations submitted by boards, commissions, or department heads.

The proper motion for acting on an R.O. is: "I move that the R.O. be accepted and placed on file" (or accepted and filed). "Accept and adopt" is approval of the recommendation. "Accept and file" is taking no action on the recommendation.

This motion requires a second, is debatable, but not amendable, and requires a majority vote.

**Communications** - these are letters received by the Mayor, Alderpersons or the City Clerk that are submitted to the Common Council for consideration. Communications may be referred to a committee, commission, or board or may be immediately acted on during a council meeting. All communications must be submitted to the City Clerk before the meeting of the Common Council. All communications submitted to the City Clerk on the council floor will be held by the City Clerk until the next regular meeting.

The proper motion for acting on a communication is: "I move that the Communication be accepted and placed on file."

This motion requires a second, is debatable, but not amendable, and requires a majority vote.

## **B. Most Common Types of Action**

The following are the four most common types of actions the Common Council takes during a meeting:

**Passage** - this is favorable action taken by the Common Council.

**Referral** - this action sends a document to a committee, commission or board for deliberation and a recommendation.

**Place on File** - this action dispenses of a document immediately or refers out of committee.

**Matter Laid Over** - this results when certain documents cannot be passed on the first reading without suspension. Generally, these are documents drafted from committee deliberation.

## **C. Calling the Vote**

**Voice Vote** - all actions other than those requiring a roll call vote may be adopted or passed by voice vote.

**Roll Call Vote** - a roll call vote is required on the adoption of all ordinances, resolutions, report of committees, report of officers and other documents assessing or levying taxes, appropriating or disbursing funds, actions creating a liability or charge against the city or discharging or commuting a claim or demand against the city. A roll call vote is also required on confirmation of appointments.

A roll call vote may be called for by the Mayor at his discretion or upon the request of any member of the common council.

An appropriate request for a roll call is: “Your Honor/Mayor, I request a roll call vote.” This is not a motion and therefore does not require a second, debate or vote.

**D. Most Commonly Used Motions**

<b>MOTION</b>	<b>REQUIRES SECOND</b>	<b>DEBATABLE</b>	<b>AMENDABLE</b>	<b>VOTE REQUIRED</b>
Main Motion	Yes	Yes	Yes	Majority
Motion to Reconsider	Yes	Yes	No	Majority
Motion to Rescind	Yes	Yes	Yes	Majority (with notice)
Motion to Amend	Yes	Yes	No	Majority
Motion to Substitute	Yes	Yes	Yes	Majority
Motion to Amend the Amendment	Yes	Yes	No	Majority
Motion to Refer to Committee	Yes	Yes	Yes	Majority
Motion to Hold	Yes	Yes	Yes	Majority
Motion to Call the Question	Yes	No	No	2/3
Motion to Suspend the Rules	Yes	No	No	* 3/4
Motion to Divide the Question	Yes	No	No	Majority
Motion to Open the Floor	Yes	Yes	Yes	Majority
Point of Order	No	No	No	None
Motion to Recess	Yes	No	Yes	Majority
Motion to Adjourn	Yes	No	Yes	Majority

\* The Motion to Suspend the Rules, per Sec. 2-168, Sheboygan Municipal Code, requires ¾ vote of the members-elect.” In addition, “unless unanimous consent is given, the vote on suspension shall be by call of the roll.”

**E. Other Common Rules**

A motion to amend or a motion to amend the amendment that will totally alter the nature of the original ordinance or resolution is considered out of order as not being “germane.”

To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied. The Mayor or presiding officer of the council shall rule in the first instance as to the admissibility of the amendment in question.

Alderspersons shall speak only twice on matters being debated or discussed during a council meeting except upon leave of the council. (See Sec. 2-184, Sheb. Muni. Code.)

No Aldersperson shall cross the floor or leave the council chamber while the Mayor or presiding officer is addressing the council or submitting a question. (See Sec. 2-180, Sheb. Muni. Code.)

When an Aldersperson is called to order, the Aldersperson shall sit down and not speak except in explanation until it shall have been determined that the Aldersperson is in order. (See Sec. 2-183, Sheb. Muni. Code.)

Any action under consideration by the Common Council on any matter, at the request of three Alderspersons, shall be deferred to the next council meeting to be held no sooner than one week following. The same action may not be deferred a second time or laid over. (See Sec. 2-81, Sheb. Muni. Code.)

Whenever any disturbance or disorderly conduct occurs in the council chambers, or rooms or halls adjacent to the council chambers, the Mayor or presiding officer has the power, with the aid of the Chief of Police or police officers in attendance, to cause the chambers, rooms or halls to be cleared of all persons except the Alderspersons or officers of the council. (See Sec. 2-39(a), Sheb. Muni. Code.)

Privilege of the floor during council meeting is extended to the Mayor, the City Clerk, the City Attorney, the Chief of Police or such other police officer in attendance, Department Heads or other designated staff members, and the media who shall confine themselves to their professional duty. No other person is allowed on the council floor except upon the invitation of the Mayor or Common Council.

Only those persons who have privilege of the floor may address the Common Council. All others may address the council pursuant to a motion to open the floor.

An appropriate request to allow a person who has privilege of the floor to address the council is: "Your Honor/Mayor, I request that Mr./Mrs. (state name) address the council." The Mayor calls the person forward not the Aldersperson.

An appropriate motion to allow persons who do not have privilege of the floor is: "Your Honor/Mayor, I move to open the floor to (state name)."

Alderspersons may address those persons who have privilege of the floor or to whom the floor has been open with the consent of the Mayor.

An appropriate request to address those persons is: “Your Honor/Mayor, may I address Mr./Ms. (state name)”?

An Alderperson may not engage in debate or become confrontational with persons who have privilege of the floor or to whom the floor has been open.

At all other times, Alderpersons must address the Mayor or other presiding officer, not each other or the public.

## **II. General Rules of Conduct**

Alderpersons, Committee, Commission, and Board members shall conduct themselves in a professional and respectful manner while representing the city.

Alderpersons, Committee, Commission and Board members should wait to be recognized by the Mayor or Chairperson before speaking. Upon being recognized, an appropriate preface to your comments is: “Thank you your Honor/Mayor” or “Thank you Mr. Chairman” or “Thank you Madam Chair.”

Alderpersons shall not make disparaging statements during council meetings about each other, elected officials, or other members belonging to a different committee, commission, board, or staff.

Alderpersons, Committee, Commission and Board members shall have all personal electronic devices, including but not limited to cell phones, PDA’s, smart phones, etc., turned off during meetings unless prior permission is obtained from the respective body for extenuating circumstances.

### **B. COMMISSIONS, COMMITTEES, AND BOARD PROCEEDINGS**

The Common Council has five standing committees: Public Protection and Safety Committee, Public Works Committee, Finance Committee, Salary and Grievances Committee and Law and Licensing Committee. All committee members are appointed by the Mayor and confirmed by the council.

The Committee of the Whole is comprised of all the alderpersons. The Mayor is not a member of the committee. The meetings are called as needed and serve the purpose of deliberation. The Committee of the Whole does not approve or disapprove, it simply makes a recommendation to the Common Council.

The Common Council has the power to create special committees on motion or by resolution as the council deems appropriate.

Any standing committee or special committee may appoint a subcommittee from its membership.

## **I. Generally Used Rules of Order and Procedure**

Only the items posted on the agenda may be acted on or discussed. Any items posted for discussion only may not be acted on.

The Chairperson is responsible for preparing the agenda for all meetings. Members may make a request for an item to be placed on the agenda.

A quorum must be present in order for the meeting to proceed and the Chairperson set the tone for the meeting. A quorum for committees, commissions, and boards is a majority of the full membership.

Members may speak only when recognized by the Chairperson.

There is no limitation on how many times a member may speak unless the Chairperson sets one.

Members may not interrupt the Chairperson, other members, or the public who are speaking.

Items on the agenda may be pulled forward at the request of a member with the consent of the Chairperson.

## **II. Most Commonly Used Documents**

Every committee, commission, and board is unique. Many of them handle documents that are pertinent to them or have been referred to them by the council.

The following documents are generally acted on or handled by committees, commissions, and boards:

**Reports** – reports by an Executive Director, Department Head or other officials are generally informative. The proper motion for reports is to accept and file the report. Reports may also be referred.

**Requests** – requests are generally made by the public and in some instances city employees. Requests may be granted, denied, held or referred.

**Communications** – communications vary and they generally are filed. In some instances they may be referred, held or acted on.

**Presentations** – presentations are generally for information only but in some instances action may be requested.

## **C. RULES FOR THE PUBLIC**

All personal electronic devices that make noise, including but not limited to cell phones, pagers, PDA's, smart phones, etc., or anything else that makes noise, should be turned off while Council is in session so as not to cause a disturbance or distraction.

### **I. Public Forum**

The Common Council welcomes community input during its meetings.

The public present at the meeting is required to remain silent during the Common Council meeting. The Mayor sets the tone for the Common Council meetings and enforces all the rules. The Mayor may call anyone out of order. In order to preserve order, the Mayor may also have anyone who is out of order escorted out of the council chambers.

In order to speak before the Common Council at the public forum, the public must first make a request to the City Clerk. Up to five persons are allowed to speak for up to five minutes during the public forum. Any alderman may move to open the floor for one minute additional time. The Common Council has a full agenda to follow but may grant a person additional time to speak by a majority vote.

#### **Basic Rules**

1. Before speaking, clearly state your name and address.
2. Speak clearly, do not swear or use foul language.
3. Address comments to alderpersons, committee, etc.
4. Do not be argumentative with presenters or department heads or representatives.
5. Do not personally attack or criticize the mayor, alderpersons, city officials, department heads, elected officials or staff.
6. Do not personally attack or criticize members of the public present at the meeting.
7. Do not personally attack any member of the public (whether or not present), board/committee members, employees, and the mayor.
8. Maintain your composure and show respect to the Chairperson and respective committee members.

The Common Council receives citizen input and generally does not respond or debate issues with the public during the meeting. However, during a period of public comment, the open meeting law allows a governmental body to discuss any matter raised by the public. (See Sec. 19.83(2), Wis. Stats.) If there is a need for a response or answer to a question or concern, please make a request during your statement and the appropriate city official or employee will get back to you within a reasonable time.

## **II. Committees, Commissions and Boards**

The various city committees, commissions and boards welcome community input. When communications are received by the city and referred to a committee, commission or board, the respective Chairperson may invite individuals to attend the meeting. The opportunity to speak is strictly up to the discretion of the Chairperson.

Persons wishing to speak during these meetings should raise their hand and be recognized by the Chairperson before speaking. There is no limitation on the amount of time an individual has to speak but the Chairperson may limit the time.

Everyone is required to remain quiet during the meeting. The Chairperson may rule one out of order and may have one escorted out if necessary.

### **Basic Rules**

1. Before speaking, clearly state your name and address.
2. Speak clearly, do not swear or use foul language.
3. Address comments to alderpersons, committee, etc.
4. Do not be argumentative with presenters or department heads or representatives.
5. Do not personally attack or criticize the mayor, alderpersons, city officials, department heads, elected officials or staff.
6. Do not personally attack or criticize members of the public present at the meeting.
7. Do not personally attack any member of the public (whether or not present), board/committee members, employees, and the mayor.
8. Maintain your composure and show respect to the mayor and alderpersons.



R. O. No. \_\_\_\_\_ - 15 - 16. By CHIEF OF POLICE. April 21, 2015.

Pursuant to section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the activities of my department for the period commencing January 1, 2015 and ending March 31, 2015.

Part I Crimes	January		February		March		2015 TOTAL 1st QTR Actual Offenses	2014 TOTAL 1st QTR Actual Offenses
	Actual Offenses	Cleared	Actual Offenses	Cleared	Actual Offenses	Cleared		
Homicide	0	0	0	0	0	0	0	1
Rape	1	0	1	0	1	0	3	10
Robbery	3	3	0	0	1	0	4	3
Aggravated Assault	7	3	5	6	10	8	22	28
Burglary	4	2	5	2	8	4	17	41
Theft	68	35	49	36	50	23	167	194
Vehicle Theft	3	2	2	0	2	1	7	2
Arson	0	0	0	0	0	0	0	1
<b>Total Part I Crimes</b>	<b>86</b>	<b>45</b>	<b>62</b>	<b>44</b>	<b>72</b>	<b>36</b>	<b>220</b>	<b>280</b>
<b>Total Current Actual Offenses</b>		<b>220</b>	<b>Total Current Cleared</b>		<b>125</b>			
<b>Same Quarter Last Year</b>		<b>280</b>	<b>Same Quarter Last Year</b>		<b>169</b>			

PPS.

<b>Traffic Arrests</b>	
<b>January</b>	<b>180</b>
<b>February</b>	<b>161</b>
<b>March</b>	<b>188</b>
<b>Current Quarter</b>	<b>529</b>
<b>Same Quarter Last Year</b>	<b>696</b>

<b>Other Arrests</b>	
<b>January</b>	<b>297</b>
<b>February</b>	<b>255</b>
<b>March</b>	<b>322</b>
<b>Current Quarter</b>	<b>874</b>
<b>Same Quarter Last Year</b>	<b>1116</b>

<b>Accidents Investigations</b>	
<b>Current Quarter</b>	<b>429</b>
<b>Same Quarter Last Year</b>	<b>513</b>

<b>Total Arrests</b>	
<b>Current Quarter</b>	<b>1403</b>
<b>Same Quarter Last Year</b>	<b>1812</b>

<b>Property</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Current Quarter</b>	<b>Same Quarter Last Year</b>
<b>Value Property Stolen</b>	<b>32,200</b>	<b>16,805</b>	<b>17,807</b>	<b>66,812</b>	<b>87,810</b>
<b>Value Property Recovered</b>	<b>21,128</b>	<b>7,008</b>	<b>2,644</b>	<b>30,780</b>	<b>12,985</b>
<b>Percent Recovered</b>	<b>66</b>	<b>42</b>	<b>15</b>	<b>46</b>	<b>15</b>

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Chief of Police Christopher D. Domagalski

# III

Res. No. \_\_\_\_\_ - 15 - 16. By Alderperson Hammond. April 21, 2015.

A RESOLUTION requesting the Mayor to reactivate various special committees for the 2015-2016 Council year.

WHEREAS, by Res. No. 1-14-15, the Mayor was requested to reappoint various special committees.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor is hereby respectfully requested to reactivate the following committees by reappointment of members thereon:

City-County Shared Services  
Collective Bargaining Committee  
Group Health Insurance and Wellness Committee  
Mayor's International Committee  
Senior Activity Center  
Sheboygan Sustainable Task Force  
Strategic Fiscal Planning Committee

*neg.*

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I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor

III

Res. No. \_\_\_\_\_ - 15 - 16. By Alderperson Hammond. April 21, 2015.

A RESOLUTION authorizing entering into a MOU with Ellwood H. May Environmental Park Association of Sheboygan County, Inc.

RESOLVED: That the appropriate City officials are hereby authorized to enter into the Memorandum of Understanding with Ellwood H. May Environmental Park Association of Sheboygan County, Inc. ("MPA") regarding the elimination of the City's Maywood Park Director position and the creation of a similar staff position by the MPA, in form substantially similar to the attached.

*Finance*

\_\_\_\_\_

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor

## **Memorandum of Understanding**

Between

Ellwood H. May Environmental Park Association of Sheboygan County, Inc.  
and  
City of Sheboygan

This Memorandum of Understanding (“MOU” or “Agreement”) sets forth the terms and understanding between the Ellwood H. May Environmental Park Association of Sheboygan County, Inc. (“MPA”) and the City of Sheboygan (“City”) regarding the elimination of the City’s Maywood Park Director position and the creation of a similar staff position by the MPA.

### **Background**

MPA and the City have engaged in extensive collaboration in the operation and programming activities of Maywood Environmental Park (“Maywood”) since Maywood was established over 30 years ago. Maywood has been without a Park Director for nearly two years. Additionally, the City’s Maywood Naturalist position has been eliminated. Due to budget constraints, the City will no longer be able to maintain these two positions and has proposed that MPA create a similar Park Director position with funding assistance from the City. MPA and the City are in agreement with this approach.

### **Purpose**

The purpose of this MOU is to acknowledge the agreement of the parties and set forth the parties’ understanding as to their respective obligations and responsibilities with respect to a new Park Director position for Maywood. This MOU outlines the specific responsibilities for each party for the period of this Agreement. This MOU is intended to enhance the success of the Agreement, and facilitate the partnership, should the parties decide to do so, in the future.

NOW THEREFORE, the City and MPA agree as follows:

### **Section 1**

The above purpose and goals will be accomplished by undertaking the following activities:

- a) MPA acknowledges that Maywood is a public City park and will continue to stay open free to the public between the hours of 4 a.m. and 10 p.m., or as otherwise established by the Common Council of the City.
- b) MPA agrees that changes to land or facilities will first need the approval of the City.
- c) MPA agrees to establish a staff position of Park Director for Maywood.
- d) City agrees to contribute funding towards the salary of Maywood’s Park Director position, as well as continue funding for upkeep of park facilities, maintenance, utilities and land management that would be considered normal annual City budgeted expenses for Maywood as a City park as follows:
  - City agrees to provide MPA funding at the beginning of each calendar year in the amount of \$65,500.00 towards the salary for the Maywood Park

- Director which is the amount equal to the salary of the former City Naturalist position;
  - City will continue to budget funds for park facilities, maintenance and utilities, and land management that would be considered normal annual budgeted items; and
  - City agrees to continue to provide the same or similar equipment and services as in the past.
- e) MPA agrees to submit a proposed job description for the Maywood Park Director position for approval by the City's Director of Public Works.
- f) The point of contact for the new Maywood Park Director with the City will be the City's Superintendent of Parks and Forestry.
- g) The parties agree that MPA will be expected to continue providing youth and school education programs during the school year and summer camp programs. Other expectations of the parties for the new MPA Maywood Park Director position include:
- Developing and maintaining positive working relationships with community educational leaders;
  - Updating and developing the Maywood Master Plan, including facilities, plantings, trail design and signage;
  - Enthusiastically promoting Maywood throughout the community and promoting the City as a partner;
  - Enforcing all safety standards as set forth by federal, state, and municipal laws; and
  - Assuring compliance with all City ordinances.
- h) Use of City caretaker employee will be under the direction of the Director of Public Works and the Superintendent of Parks and Forestry. All work not considered normal day-to-day duties, and overtime requests, must be approved by the Superintendent of Parks and Forestry.
- i) Upon entering into this Agreement, the City shall turn over all existing funds from its Maywood Program funding account to MPA with the understanding that the balance of these funds would be returned to the City if and when this Agreement expires, is terminated or becomes void for any reason.

## Section 2

By entering into this Agreement, the parties do not intend to create any obligations, expressed or implied, other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

## Section 3

Indemnification. City and MPA agree to defend, hold harmless, and indemnify the other against any and all claims, liabilities, damages, judgments, causes of action, costs, loss and expense, including reasonable attorney's fees, imposed upon or incurred by the other party arising from or related to the negligent or intentionally tortuous acts or omissions of the indemnifying party's officers, employees, or agents in performing the services pursuant to this agreement. Each party shall promptly notify the other of any claim arising under this provision

and each party shall fully cooperate with the other in the investigation, resolution, and defense of such claim.

#### **Section 4**

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

#### **Section 5**

This Agreement shall become effective upon the signature of the parties hereto through their authorized representatives and will remain in effect until December 31, 2016 unless modified or terminated by the parties by mutual agreement. If not earlier terminated as provided in Section 6 below, unless either party gives notice in writing to the other at least ninety (90) days prior to the end of the initial or extended term, this Agreement shall automatically be extended for an additional one year term; provided, however, that this Agreement shall not be automatically extended beyond December 31, 2020.

#### **Section 6**

This Agreement may be terminated by either party for cause if the other party shall default in the performance of this Agreement and the default shall continue for a period of thirty (30) days after written notice to the other party stating specifically the default. Expiration or termination of this Agreement for any reason shall not release any party from its obligations thereunder that have accrued prior to the termination or expiration date.

#### **Section 7**

Any notice or other communication required or permitted to be given pursuant to this Agreement shall be in writing and shall be either personally delivered or sent by first class mail, postage prepaid, to the address each of the parties keeps on record for the other party, or to such other address as either party may give notice of from time to time in accordance with this section. Delivery shall be deemed effective upon personal delivery or deposit in the United States mail.

Approved by the parties through signature of the following authorized representatives:

CITY OF SHEBOYGAN:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Date

ELLWOOD H. MAY ENVIRONMENTAL PARK  
ASSOCIATION OF SHEBOYGAN COUNTY, INC.:

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date

III

Res. No. \_\_\_\_\_ - 15 - 16. By Alderpersons Bohren and Heidemann.  
April 21, 2015.

A RESOLUTION directing the appropriate City officials to negotiate a PILOT agreement with Aurora Healthcare.

RESOLVED: That the appropriate City officials are hereby directed to negotiate a payment in lieu of taxes (PILOT) agreement with Aurora Healthcare using the guidelines set forth in 2013 Wisconsin Act 20, as part of the conditional use permit with Aurora Healthcare for the new surgery center to be located at 3306 Saemann Avenue.

BE IT FURTHER RESOLVED: That the amount of the PILOT is to be adjusted annually according to changes in the consumer price index.

*Finance*

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\_\_\_\_\_

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor



Gen. Ord. No.     - 15 - 16    . By Alderperson Hammond. April 21, 2015.

AN ORDINANCE creating Section 2-399 of the Municipal Code providing for the assessment of costs for repair of damages to public property.

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

Section 1. Section 2-399 of the Sheboygan Municipal Code entitled "Assessment of costs for repair of damages to public property" is hereby created to read as follows:

"Sec. 2-399. *Assessment of costs for repair of damages to public property.*

- (a) In addition to any penalties imposed for violation of sections 26-909, 74-47, 110-280 or 134-113 of this code, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of repairing such damages or replacing such property. The parents of any unemancipated minor child who causes such damage or destruction may be held liable for the cost of repairing such damages or replacing such destroyed property in accordance with Sec. 895.035, Wis. Stats.
- (b) The costs of repairing such damages or replacing destroyed property will be billed based on an hourly charge for employee time and equipment usage, plus materials. The employee time charge will include wages and benefits, and the equipment usage will include a charge for maintenance and repair of the equipment. All materials used will be charged at actual cost plus 30 percent, plus applicable sales tax, with a minimum fee of \$100. A schedule of employee wage and benefit rates and equipment usage charges shall be prepared and updated from time to time by the director of public works."

*Inance*

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor