



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes

Finance and Personnel Committee

*Chairman Thomas Friedel, Vice Chair James T. Spangenberg, Alderman David L. Maack,
Alderman Robert Anderson, Alderman Michael Shields*

Monday, June 9, 2008

5:00 PM

City Hall, Room 301

Call to Order & Roll Call

PRESENT: 3 - James T. Spangenberg, Thomas Friedel and David L. Maack

EXCUSED: 2 - Robert Anderson and Michael Shields

Approval of Minutes for the May 27, 2008 meeting. to Approve the Minutes

1. [08-2235](#)

Subject: Communication from the Finance Director requesting to appear before the Finance & Personnel Committee to discuss borrowing for the 2008 Capital Improvement Projects.

Recommendation of the Finance & Personnel Committee on

06-09-08: Authorization be granted to borrow sufficient funds to cover the 2008 Capital Improvements Projects.

Fiscal Note: Note Anticipation Notes issuance of approximately \$7,600,000 for 2008 CIP. Final debt amount will be determined by market conditions and total issuance costs.

Attachments: [borrow 08 CIP.pdf](#)
[2008CIP.pdf](#)

Bradley Viegut, Director of R.W. Baird, and David Brown, Finance Director, appeared before the Committee requesting to borrow \$7,600,000 Note Anticipation Notes for the 2008 CIP's.

Recommended For Approval

2. [08-2249](#)

Subject: Communication from Narcotics Anonymous requesting to lower the fees for the use of the M. L. King Center and the Tyler Domer Center.

Recommendation of the Finance & Personnel Committee on

06-09-08: Permission granted for the Narcotics Anonymous group be allowed to utilize the Martin Luther King Jr. and Tyler-Domer Community Centers at \$65.00 per day per event.

Fiscal Note: The reduced rate will generate \$130.00 in revenue as opposed to \$500.00 the standard rate would have generated.

Attachments: [nar anon 08](#)

Dennis Bromfield, member of the Narcotics Anonymous group, appeared before the Committee requesting fees to be lowered for the use of the Martin Luther King and Tyler-Domer Community Center for August 16 and October 11, 2008 meeting.

Recommended For Approval

3. [08-2247](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a \$15,000.00 donation for the Senior Athletic programs.

Recommendation of the Finance & Personnel Committee on

06-09-08: Permission granted for the Director of Parks, Recreation & Cultural Services to accept a \$15,000 donation from Mr. Dick Gleissner to be utilized for the Senior Athletic Programs and a letter of thanks be sent.

Fiscal Note: The funding will fund new and continuing senior programs.

Attachments: [donation seniors](#)

Donnie Snow, Director of Parks Recreation and Cultural Services appeared before the Committee requesting to accept a \$15,000 donation from Dick Gleissner to be utilized for the Senior Athletic programs.

Recommended For Approval

4. [08-2230](#)

Subject: Communication from the Public Health Administrator requesting permission to accept funding from the Sustainable Racine Fund in the amount of \$2,000. (Grant Control #2008-011)

Recommendation of the Finance& Personnel Committee on

06-09-08: The Mayor and City Clerk be authorized and directed to enter into a \$2,000 agreement with Sustainable Racine Fund (Grant Control No. 2008-011) to be utilized for the purchase of 143 1-gallon containers of Blue Dune Lyme Grass.

Fiscal Note: No match required on the part of the City.

Attachments: [2008 Sustainable Racine Accept](#)

Janelle Grammer, Public Health Administrator, appeared before the Committee requesting to accept \$2,000 from Sustainable Racine Fund to be utilized for the purchase of 143 1-gallon containers of Blue Dune Lyme Grass to increase native vegetation on existing and proposed dune structures between the North Beach Oasis and the Kid's Cove playground at the south end of North Beach.

Recommended For Approval

5. [08-2180](#)

Subject: Communication from the Public Health Administrator requesting permission to accept a grant award of \$6,600 from the

Wisconsin Department of Natural Resources.

Recommendation of the Finance & Personnel Committee on

06-09-08: The Mayor and City Clerk be authorized and directed to enter into a \$6,600 agreement with the State of Wisconsin Department of Natural Resources (Grant Control No. 2008-019) to be utilized for the Beach Monitoring Program.

Fiscal Note: No match required on the part of the City.

Attachments: [2008 WDNR](#)

Janelle Grammer, Public Health Administrator, appeared before the Committee requesting to accept \$6,600 from the State of Wisconsin Department of Natural Resources for the purpose of implementing the Wisconsin Beach Monitoring Program.

Recommended For Approval

6. [08-2240](#)

Subject: Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with Independent Care Health Plan (iCare).

Recommendation of the Finance & Personnel Committee on

06-09-08: The Mayor and City Clerk be authorized and directed to sign a contract with Independent Care Health Plan (iCare) allowing the City of Racine Health Department to be reimbursed for services provided to clients with HMOs.

Fiscal Note: Approval will allow the Health Department to bill through Medicare.

Attachments: [2008 iCare HMO](#)

Janelle Grammer, Public Health Administrator, appeared before the Committee requesting to sign a contract with Independent Care Health Plan (iCare) so as to allow the City of Racine Health Department to be reimbursed for services provided to clients with HMO's.

Recommended For Approval

7. [08-2074](#)

Subject: Communication from the Aldermen of the 6th and 14th District requesting to meet with the appropriate committee to discuss reviewing the interest rate and changing the 10-year street assessment pay-off to a 20-year for street paving.

Recommendation of the Finance & Personnel Committee on

05-12-08: Defer the item.

Recommendation of the Finance and Personnel Committee on

06-9-08: Defer the item.

Fiscal Note: N/A

Attachments: [Street Paving 20 year pay-off and Interest.pdf](#)
[Review Interest Rates.pdf](#)

Alderman Hart of the 14th District, Alderman Weidner of the 6th District and David Brown, Finance Director, appeared before the Committee to discuss the interest rate and changing the 10-year street assessment pay-off to a 20-year for street paving. The Committee requested to defer the item until staff can compare alternatives.
Deferred

8. [08-2239](#)

Subject: Communication from the Human Resources Manager and the Deputy City Attorney requesting to discuss reclassification of the Police Customer Service Representative SU-7 position to an SU-8 for 2008.

Recommendation of the Finance& Personnel Committee on 06-09-08: Permission granted for the Human Resource Manager and the Deputy City Attorney to reclassify the Police Customer Service Representative SU-7 position to a SU-8.

Fiscal Note: There will be an increase of \$21,180.08 to the salary budget for 2008.

Attachments: [HR Document](#)

Scott Letteney, Deputy City Attorney, and Terry Parker, Human Resource Manager, appeared before the Committee requesting to reclassify the Police Customer Service Representative SU-7 position to an SU-8.
Recommended For Approval

9. [08-2225](#)

Subject: Communication from the City Attorney submitting the claim of Keona Thomas for consideration.

Recommendation of the Finance& Personnel Committee on 06-09-08: The claim of Keona Thomas, 1004 Rawson Ave. #3, requesting reimbursement of \$1,541.82 for vehicle repairs caused by the presence of ice on the roadway be denied.

Fiscal Note: N/A

Attachments: [Thomas claim_001](#)

Scott Letteney, Deputy City Attorney, appeared before the Committee requesting to deny the claim of Keona Thomas who is requesting reimbursement of \$1,541.892 for vehicle repair.
Recommended For Denial

10. [08-2233](#)

Subject: Communication from the City Attorney submitting the claim of Joshua Bloom and Rebecca Bissi for consideration.

Recommendation of the Finance& Personnel Committee on

06-09-08: The claim of Joshua Bloom and Rebecca Bissi requesting \$18,500 reimbursement for repair to the sewer main adjacent to 1520 Main Street be settled.

Fiscal Note: There are sufficient funds available in account 287.000.5570 Sanitary Sewer Maintenance Fund Lateral Repairs for the settlement.

Attachments: [Bloom claim_001](#)

Scott Letteney, Deputy City Attorney, appeared before the Committee requesting to settle the claim of Joshua Bloom and Rebecca Bissi with a payment of \$18,500 for repair expenses to the sewer main adjacent to 1520 Main Street.

Recommended For Approval

11. [08-2266](#)

Subject: Ord.10-08 of 05-27-08 to repeal and recreate Chapter 62, Article II of the Municipal Code of the City of Racine, Wisconsin, being an Article of the Municipal Code of the City of Racine relating to discrimination.

Recommendation of the Finance & Personnel Committee on 06-09-08: Ordinance 10-08 be adopted as amended and a public hearing be scheduled.

Fiscal Note: N/A

Attachments: [Ord.10-08 redraft.doc](#)

Scott Letteney, Deputy City Attorney, appeared before the Committee requesting to repeal and recreate Chapter 62, Article II of the Municipal Code of the City of Racine relating to discrimination.

Recommended For Approval

12. [Ord.10-08](#)

Ordinance No. 10-08

To repeal and recreate Chapter 62, Article II of the Municipal Code of the City of Racine, Wisconsin, being an Article of the Municipal Code of the City of Racine relating to discrimination.

The Common Council of the City of Racine do ordain as follows:

Part 1:

“ARTICLE II. DISCRIMINATION

Sec. 62-26. Definitions.

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

Accommodation means and includes any room, apartment, house, building, or structure, any part of which is used for human habitation on a temporary or permanent basis.

Aggrieved person means a person who claims to have been injured by discrimination or believes that he or she will be injured by discrimination that is about to occur.

Commission means the Affirmative Action and Human Rights Commission.

Commissioner means a member of the Affirmative Action and Human Rights Commission.

Complainant means any person who files a complaint with the commission pursuant to the provisions of this article.

Department means the City of Racine Fair Housing Department.

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

Discriminate, discrimination, and discriminating refer to any type of act or refusal to act prohibited by this article, which is based to any degree on a consideration by the actor of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability, national origin, marital status, sexual orientation, familial status, or economic status of any other person.

Economic status means the lawful source of income of a person.

Employer means and includes every person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district, and other public or quasi-public corporations as well as any agent, manager, representative, or other person having control or custody of any employment, place of employment, or of any employee.

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

- (1) A person is pregnant.
- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement, or visitation rights of a minor child.
- (3) A person's household includes one or more minor or adult

relatives.

(4) A person's household includes one or more adults or minor children in his or her legal custody, physical placement, or with whom he or she has visitation rights.

(5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship, or with the written permission of a parent or other person having legal custody of the adult or minor child.

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

Housing means and includes any improved property, or any portion thereof, including a mobile home, manufactured home, or condominium, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence. *Housing* includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure, or portion thereof that is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence.

Interested person means an adult relative or friend of a person protected under this ordinance, or an official or representative of a private agency, corporation, or association concerned with the welfare of a person protected under this ordinance.

No probable cause complaint means a complaint, the insufficiency of which is so manifest on a bare inspection of the complaint, that its character may be determined without argument or research.

Owner means and includes the lessee, sublessee, assignee, managing agent, or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing in the city.

Person means and includes any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy, or other fiduciary, or the lessee, proprietor, manager, employee, or any other agent of any such person.

Probable cause means reasonable grounds to believe that a violation of this article, not exempted herein, may have occurred or may be occurring.

Respondent means any person who, according to the allegations contained in any complaint filed with the commission, has violated any discriminatory practice prohibited by this article and has been named in the complaint as a respondent.

Veteran means a person serving in the active or reserve Army, Navy, Marine Corps, Coast Guard, or Air Force, or National Guard or Air National Guard, or who so served and who was discharged or released therefrom under

conditions other than dishonorable.

Sec. 62-27. Declaration of policy.

(a) It is hereby declared to be the public policy of the city to assure equal opportunities and fair housing to all citizens of the city, regardless of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status, and to that end to prohibit discrimination based on these factors.

(b) Inasmuch as the prohibition of discriminatory practices is not sufficient to effectuate the principle of equal employment without affirmative and direct action, the city adopts this article designed to increase the representation of under-represented groups in all departments, job classifications, and salary categories in city employment. The city, in developing the affirmative action plan, shall require an affirmative action plan from vendors, contractors, and firms with which it does business of \$10,000.00 or more per contract.

(c) The fair housing provisions of this article shall be deemed an extension of the exercise of the police powers of this state for the protection of the welfare, health, peace, dignity, and human rights of the people of the city.

Sec. 62-28. Affirmative action officer.

There is hereby created the position of affirmative action officer, who shall have responsibility and authority for the development and implementation of the city's affirmative action plan. The affirmative action officer shall have a background that demonstrates a commitment to the policy of this article. The affirmative action officer shall be appointed by the mayor subject to the confirmation of the common council, shall be under the supervision of the human resources manager, and shall be directly responsible to the mayor and common council. Prior to such appointment, the mayor shall seek recommendations as to the suitable candidates for this position from the affirmative action and human rights commission. The appointment of the affirmative action officer shall be made by the mayor within 90 days after receiving such recommendations from the affirmative action and human rights commission.

Sec. 62-29. Affirmative action and human rights commission.

(a) The mayor, subject to confirmation by the common council, shall appoint a commission on affirmative action and human rights consisting of nine members, two of whom shall be aldermen, and one of whom shall be an attorney. Members shall be city residents, shall be appointed from the entire city, and at no time shall the total of women and ethnic or racial minorities constitute less than a majority of the commission. Commissioners

shall receive no compensation for their services. The affirmative action officer is an ex officio member of the commission.

(b) The members of the commission shall be appointed by the mayor, subject to confirmation of the common council. Vacancies shall be filled in the same manner. All appointments shall be made on the first Tuesday of May and shall be for a term of three years. The term of office shall begin on appointment, confirmation, and qualification of a successor. The aldermen members of the commission shall be members thereof only as long as they continue to hold office as aldermen. Every person appointed as a member of the commission shall take and file an official oath.

(c) Each year within 30 days after the time designated for the beginning of terms, the members of the commission shall organize by the election, from among their number, of a president and a secretary and such other officers as they may deem necessary.

(d) Five members of the commission shall constitute a quorum on all matters requiring consideration by the entire commission.
Sec. 62-30. Affirmative action and human rights commission -- Powers and duties.

The commission shall have the following powers and duties:

(a) To annually review, approve and recommend the affirmative action goals and timetables as proposed by the affirmative action officer.

(b) To advise affected and/or other under-represented groups of their rights under the affirmative action plan.

(c) To disseminate information and to attempt by means of discussion as well as other proper means to educate the people of the city to a greater understanding, appreciation and practice of equal rights, and affirmative action to the end that the city will be a better place in which to live.

(d) To adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this article. Such rules and regulations shall be filed with the city clerk and a copy thereof mailed to each member of the common council.

(e) To develop and review the contract compliance requirements of the city and to develop a policy with respect to vendors and contractors.

(f) To make specific recommendations to the common council so as to bring all appropriate ordinances into conformity with the policies of this article, if necessary.

(g) The commission shall be an advisory body to the mayor and the

common council and may study and investigate problems relating to discrimination and denial of rights by reason of age, sex, race, veteran's status, disabled veteran's status, creed, color, national origin, disability or disabilities, marital status, familial status, sexual orientation, or economic status, and shall make such recommendations to the mayor and common council as it deems necessary to eliminate problems of discrimination in the city. The commission shall receive and investigate complaints of and initiate its own investigations of any practice of discrimination against any person within the city because of age, sex, race, disabled veteran's status, creed, color, national origin, disability or disabilities, marital status, sexual orientation, familial status or economic status.

(h) To receive complaints alleging violation of this article arising from bona fide transactions and to attempt to eliminate or remedy any violation by means of conciliation, education or other means. In those cases where the commission obtains compliance with this article or the commission finds that the complaint is without foundation, no public disclosure shall be made by the commission of the names of the persons named in the complaint, unless requested by the respondent.

(i) To compel the attendance of witnesses and the production of all papers and records by subpoena, when necessary, for the purpose of its hearings.

Sec. 62-31. Financing of commission.

The common council shall provide in the annual city budget for the amount that it deems necessary to carry on the activities of the commission for the ensuing year. The commission shall be subject to the published ordinances of the city and shall have no authority to expend funds other than those appropriated or approved by the common council. All funds received by the commission shall be paid into the general fund of the city. All expenditures made by the commission shall be made in the same manner as other municipal expenditures and in accordance with the laws of the state and this Code.

Sec. 62-32. Other commission personnel.

The commission may employ such staff as may be authorized by the common council. All personnel so authorized shall be recruited and employed under the personnel classification set up by the human resources manager with the approval of the mayor and common council. The commission shall have the right to recommend to the human resources manager individuals for filling the authorized staff positions.

Sec. 62-33. Affirmative action plan--Preparation and scope.

(a) Within 90 days of his appointment, the affirmative action officer in

concert with the head of each department, board, commission, or committee shall develop a written affirmative action plan. The plan, to be updated annually, is to be developed pursuant to the federal guidelines, as amended from time to time, which are hereby incorporated by reference, and is to further reflect reasonable goals and timetables for achieving substantially increased employment of affected and/or other under-represented groups. In addition to the above guidelines, the plan should include, but not be limited to, the following employment and career development information concerning the department:

- (1) The available job slots.
- (2) Recruitment policies.
- (3) Selection and placement procedure.
- (4) Testing programs.
- (5) Training programs.
- (6) Promotion policies and procedures.
- (7) Transfer policies.
- (8) Compensation programs.
- (9) Available facilities.
- (10) Layoff and recall policies.
- (11) Procedure for disciplinary action.
- (12) Harassment-free work atmosphere for affected and/or other under-represented groups.

(b) In preparation of the affirmative action plan, the affirmative action officer shall have the full cooperation of the department head, board, commission, or committee and access to all department policies and procedures, administrative rules and regulations, personnel files, and other documents, or information relating to the employment, training, promotion, transfer, termination or discipline of personnel in the city employ. However, no records are to be used in any manner that would divulge the identity of the parties involved. Provided, further, that if the employee or applicant was assured by the city that any of the aforementioned documents were to be held in strict confidence, the permission of the applicant or employee shall be obtained prior to the release of these documents to the affirmative action officer.

Sec. 62-34. Same--Adoption.

(a) The affirmative action officer shall incorporate the goals and timetables of the individual departments into the city's affirmative action plan, which shall be submitted to the commission. This plan shall reflect the reasonable goals and timetables for achieving equal employment opportunities and requirements for affected and/or other under-represented groups at all levels and/or job classifications.

(b) Upon approval by the affirmative action commission, the plan shall be submitted to the mayor and common council for approval and adoption. Once adopted, the plan shall be distributed to all department heads, who shall adhere to the goals, timetables and

procedures prescribed therein.

Sec. 62-35. Same--Implementation.

Implementation of the city's affirmative action plan shall include but not be limited to the following:

(a) Recruitment. Every effort shall be made to recruit applicants from under-utilized categories to provide employment lists of qualified candidates that will facilitate the implementation of departmental and affirmative action goals. The human resources manager, with the assistance of the affirmative action officer, shall expand the recruitment programs to include but not be limited to the following:

- (1) Inform members of the affected and/or other under-represented groups of the affirmative action plan and seek their support in attracting applicants.
- (2) Include information about the affirmative action plan on all job and contract announcements.
- (3) Prepare a specific brochure summarizing the affirmative action plan and disseminate it throughout the community.
- (4) Work with appropriate community resources to develop techniques, models and strategies that will maximize the recruitment of affected and/or other under-represented groups.

(b) Testing, selection and placement policies.

(1) The human resources manager, in conjunction with the affirmative action officer, shall review all testing, selection and placement policies of the city to determine that they are nondiscriminatory and free of cultural bias, and develop other evaluation methods that are task related and that are in accord with the guidelines promulgated by the Federal Equal Employment Opportunity Commission.

(2) The human resources manager, in conjunction with the affirmative action officer, shall develop procedures to establish viable career ladders or bridges between entry level, nonmanagement, and management positions for all city employees with specific emphasis on affected and/or other under-represented groups.

(c) Education and training programs. The affirmative action officer shall, with the cooperation of the human resources manager of the city, develop education and training programs designed to develop the job-related knowledge and skills essential to compensate for past education and opportunity deficiencies. These programs shall be designed to develop each employee's fullest potential and to upgrade

the employee's position in the city employ. The affirmative action officer shall work with the affirmative action commission to develop and provide all employees with relevant training to increase their awareness in the areas of cultural perception and human relations.

(d) Analysis of job turnover. The affirmative action officer shall maintain statistics and institute research to identify the reasons for job turnover among all city employees which may have affirmative action ramifications.

Sec. 62-36. Accountability and reports.

(a) The affirmative action officer shall be responsible for the successful implementation and coordination of the affirmative action plan. In turn, each department head shall be accountable to the affirmative action officer for the successful implementation of the affirmative action plan.

(b) The affirmative action officer shall at least quarterly file a written progress report with the affirmative action commission, the mayor and common council indicating the progress towards achieving the affirmative action goals. The report shall include but not be limited to the following:

(1) A summary of the affirmative action goals as well as any special projects tied to this plan.

(2) Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, interviewed, and/or rejected, indicating affected and/or under-represented groups. Waivers of hiring priority and reasons therefor shall also be provided.

(3) A description of the recruitment and training programs instituted to achieve the objectives of the affirmative action plan.

(4) A summary of survival counseling and other supportive programs provided to resolve and prevent problems.

(5) A review of contract compliance status.

(6) A report listing the number of complaints, the category of discrimination and action taken in investigating complaints.

Sec. 62-37. Review of regulations.

This article is to be reviewed by the city attorney and the commission and reports filed with the common council six months from the date of the adoption of the affirmative action plan.

ARTICLE IIA. DISCRIMINATORY PRACTICES

Sec. 62-38. Discriminatory practices prohibited.

It shall be a prohibited discriminatory practice for any person:

- (a) To refuse to furnish goods or services to any person when such refusal is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.
- (b) To hire or promote, discharge or make any other personnel transaction when such practice is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.
- (c) To do or refuse to do any act which affects the purpose of any activity prohibited by this article.

Sec. 62-39. Complaints.

- (a) Form and content. Any complaint charging a violation of any provision of Article IIA shall be in writing and shall be verified and signed by the complainant. Such complaints may be initiated by the aggrieved person as complainant or by an interested person, who shall mail or hand-deliver the complaint to the commission, or dictate it to a commissioner, who shall thereupon reduce the complaint to writing and the complainant shall execute and verify the complaint. The department is authorized and directed to accept complaints on behalf of the commission. All such complaints shall contain the following:
 - (1) The name and address of the complainant, and the name and address of the aggrieved person if different from the complainant;
 - (2) The name and address of the respondent or respondents;
 - (3) A statement setting forth the particulars of the alleged violation or discriminatory practice; and
 - (4) The date or dates of the alleged violation or discriminatory practice.
- (b) Where filed. Complaints shall be filed with the commission by the complainant or his duly authorized agent and may be filed in person or by mail. Complaints received by department personnel for filing shall be considered properly filed.

(c) When filed. Complaints shall be filed no later than one year after the complainant knew or should reasonably have known the alleged act or acts occurred or terminated. The Commission, on the Commission's own initiative, may also file such a complaint. The Commission may also investigate housing practices to determine whether a complaint should be brought under this section.

(d) Notice to respondent. Upon the filing of a complaint, the commission shall serve a copy thereof, by certified mail with return receipt requested, upon the respondent within 20 days of such filing.

(e) Notice to aggrieved person. Upon the filing of a complaint, if the complainant is not the aggrieved person, the commission shall serve a copy thereof, by certified mail with return receipt requested, upon the aggrieved person within 20 days of such filing.

(f) Amendment and withdrawal. A complaint may be amended or withdrawn by the complainant at any time with and subject to approval of the commission and under such terms as the commission shall direct. If the aggrieved person is not the complainant, the aggrieved person may seek to withdraw the complaint at any time with and subject to approval of the commission and under such terms as the commission shall direct.

Sec. 62-40. Enforcement procedures.

Except as set forth in Sec. 62-41, the commission shall use the following procedures in acting on complaints of discrimination under article IIA:

(a) The commission shall not accept any complaint filed more than one year after the alleged discrimination occurred or terminated. The commission shall not investigate any complaint unless it is in writing and verified by the complainant, and a copy of the complaint sent to the person or persons complained of, referred to in this article as "respondent," by certified mail.

(b) Reference to panel. If such verified complaint alleges facts sufficient to constitute a violation of the provisions of this article, the chairman of the commission shall designate a panel of three commissioners to make prompt investigation thereof.

(c) If the investigative panel, by affirmative vote of the three members thereof, determines after preliminary investigation that there is probable cause for believing the allegations of the complaint, the commission shall immediately endeavor to eliminate the alleged violation by conference, conciliation or persuasion. In case of failure to so eliminate the discrimination, the commission shall issue a written notice of hearing to all parties, specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within ten days after

receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than 30 days after service of the notice for hearing. The testimony at the hearing shall be recorded. The hearing shall be held before an adjudicating panel appointed by the chairman, composed of three commissioners, and shall be public. The hearing, at the direction of the chairman, may be held before the full commission. All testimony presented at a hearing shall be under oath and subject to cross examination by the respondent and/or the panel members. A respondent may be represented by counsel.

(d) If, after the hearing, the panel finds that the respondent has engaged in or is engaging in a discriminatory practice or violation of this article, it shall make and submit to the commission written findings of fact and conclusions thereon, and shall recommend such action to be taken by the respondent and, where necessary, by the complainant as will effect the purposes of this article by eliminating the discriminatory practice of the violation. A copy of such findings, conclusions and recommended action, together with a summary of the findings of fact, shall be mailed to the last known address of the complainant and the respondent by certified mail.

(e) Appeals to commission of panel decision.

(1) If, within ten days following the certified mailing of the panel's decision, the commission does not receive notice of appeal, the findings, conclusions and orders of the panel shall become findings, conclusions and orders of the full commission.

(2) If, within ten days following the certified mailing of the panel's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full commission. Such appeal shall be on the panel's record. The commission shall have the power to affirm, reverse or modify the determination of the hearing panel.

(f) Transfer of proceedings. At any time after a finding of probable cause, the commission may transfer the proceedings from the three-member panel to the full commission.

(g) The commission shall monitor compliance with its conciliation agreements and orders in such manner as it shall determine appropriate.

(h) Whenever, in the judgment of the commission, judicial enforcement of the article is necessary, the commission shall, in writing, request the city attorney to enforce this article in the name of the city. Upon receipt of such request, the city attorney shall have the power to seek enforcement of this article in a court of competent jurisdiction.

(i) All orders of the commission shall be final administrative determinations and shall be subject to review as provided by law.

(j) An attorney from the city attorney's office shall attend hearings held under this subarticle to act in the capacity as legal advisor to the adjudicating panel or commission in all cases not involving a complaint against the city. This role shall be solely advisory in nature and no voting rights shall attach.

Sec. 62-41. Proceedings on complaints of discrimination filed against the city.

The commission shall use the following procedures in acting on complaints of discrimination filed against the city:

(a) Upon receipt of a written, verified complaint naming the city as respondent, a copy of such complaint shall be served on the city attorney.

(b) Reference to panel. If such verified complaint alleges facts sufficient to constitute a violation of the provisions of this article, the chairman of the commission shall designate a panel of three commissioners to make prompt investigation thereof.

(c) If the investigative panel, by affirmative vote of the three members thereof, determines after preliminary investigation that there is probable cause to believe the allegations of the complaint, the commission shall immediately endeavor to eliminate the alleged violation by conference, conciliation or persuasion. In case of failure to so eliminate the discrimination, the commission shall report its findings and recommendations to the mayor or common council.

(d) The mayor or common council shall further investigate the matter if needed, and shall approve or disapprove the recommendations of the commission, in whole or in part. The complainant shall be notified of such action.

(e) No further action shall be taken on the complaint by the commission. A complainant may at any time pursue any other available legal or equitable remedies.

Miscellaneous Business

None

Adjournment

There being no further business to come before the Committee, the meeting adjourned at 5:51 p.m. The next scheduled meeting of this committee is at 5:00 p.m. on Monday, June 23, 2008.

