



# City of Racine

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

## Meeting Agenda - Final Finance and Personnel Committee

*Chairman James T. Spangenberg  
Vice Chair Q.A. Shakoor, II  
Alderman Ronald Hart  
Alderman Terry McCarthy  
Alderman Dennis Wiser*

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Monday, May 24, 2010

5:00 PM

City Hall, Room 301

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### Call To Order and Roll Call

### Approval of Minutes for the May 10, 2010 Meeting.

1. [10-4657](#) **Subject:** (Ord.27-09) An ordinance to identify, protect, enhance, perpetuate and use artifacts that reflect special aspects of the City of Racine's historical, architectural, cultural or aesthetic heritage.

**Recommendation of the Landmarks Preservation Commission: on 1-04-10:** That the ordinance be adopted.

**Recommendation of the Finance & Personnel Committee on 02-08-10:** The item to be deferred to enable the Attorney's Office to refine the language of the ordinance with various City Departments and to report back when appropriate.

**Fiscal Note:** N/A

**Staff Recommendation to the Finance & Personnel Committee on 05-24-10:** None at this time.

**Fiscal Note:** N/A
2. [Ord.27-09](#) Ord.27-09

To create Sec. 58-80 of the Municipal Code of the City of Racine, Wisconsin relating to Historic Preservation - Enforcement.

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

Part 1:

Section 58-80 of the Municipal Code of the City of Racine is hereby created to read as follows:

**“Section 58-80. Preservation of Historical Artifacts**

(a) The purpose of this ordinance is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of artifacts that reflect special aspects of the City of Racine’s historical, architectural, cultural, or aesthetic heritage for the following reasons:

- 1) To encourage public knowledge, understanding, appreciation and use of the City of Racine’s past;
- 2) To foster civic pride in the beauty and character of the City and the accomplishments of its past;
- 3) To preserve the visual character of the City by preserving artifacts that reflect its history.

(b) Definitions

- 1) “Commission” for the purposes of this section means the Landmarks Preservation Commission.
- 2) “Artifacts” for the purposes of this section are manmade objects of cultural or historical significance that are located or have been displayed within the City of Racine.
- 3) "Object" for the purposes of this section means a construction, such as a statue, monument, milepost, or similar item, that may be by nature of design moveable and yet related to a specific setting or environment.
- 4) “Historical Artifact” means an Artifact that is:
  - a. Owned by the City of Racine or Redevelopment Authority of the City of Racine; and
  - b. At least 50 years old and designated a Local Historical Artifact as described below; or
  - c. Associated with a property that meets the criteria for listing on the National Register of Historic Places, State Register of Historic Places or as a City of Racine Landmark.
- 5) "Inventory of Historical Artifacts" is the official list of Historical Artifacts subject to the terms of this ordinance. The Inventory of Historical Artifacts shall be held and maintained by the director of the department of city development.

- 6) "Local Historical Artifact" is an object that:
- a. Exemplifies or reflects the cultural, archaeological, political, economic, social, or religious history; or,
  - b. Is identified with personages, events, or periods of history; or,
  - c. Embodies distinguishing characteristics of architecture, an architect, architectural materials, craftsmanship, or works of nature; or,
  - d. In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; or,
  - e. Contributes to the character or understanding of a historic district, property, or structure; and that
- has been designated a Local Historical Artifact pursuant to this section.

(c) Procedures for Listing or Removal from Listing. Official listing on the Inventory of Historical Artifacts, or removal from listing, shall be made by recommendation of the commission and confirmation by the common council.

- 1) The commission shall hold a public hearing before recommending that an artifact be listed, or removed from listing, on the Inventory of Historical Artifacts. At least 10 days prior to the hearing, the commission shall provide written notice to the following:

- i. The director of city development.
- ii. The chief building inspector.
- iii. The mayor and alderpersons.

- 2) After giving notice as provided in subsection 1), the commission shall conduct the public hearing. The commission shall have the power to call such other witnesses and to examine such records as it deems necessary.

- 3) Within 30 days after the close of the public hearing, the commission shall recommend or decline to recommend to the common council the listing, or removal from listing, of the artifact on the Inventory of Historical Artifacts. After such recommendation of designation or removal has been made, the commission shall provide written notice of its recommendation to the chief building inspector, the director of the department of city development, the commissioner of public works, Preservation Racine, Inc., and the Racine Heritage Museum.

(d) Preservation.

- 1) No person or entity, including but not limited to any department or agency of the City of Racine or the Redevelopment Authority of the City of Racine, shall permit the transfer, relocation, demolition, or alteration of a historical artifact listed on the Inventory of Historical Artifacts without first obtaining the permission of the commission. If any activity associated with the artifact has the potential to damage or cause the loss of such artifact, the person responsible for such activity must first present a plan for the protection of such artifact to the commission. The project shall not commence or continue until and unless the artifact protection plan is approved. The person responsible for the activity must thereafter provide documentation to the commission and commissioner of public works that the plan was properly executed.
- 2) If approval under subparagraph 1) is denied, the applicant may, in writing to the city clerk within 10 days of denial, appeal such decision to the common council. The city Clerk shall cause the matter to be placed on the agenda of the meeting of the common council next following the receipt of such appeal, consistent with the Wisconsin Open Meetings Law. A representative of the commission shall appear at such meeting to explain the reasons for denial. Approval or denial by the common council is final.

(e) Documentation. If the commission finds that the preservation of a Historical Artifact is not practicable, then the Historical Artifact shall be documented by photographs, mapping, written description or such other means or matter deemed most appropriate by the commission.

(f) Stop Work Order. If any member of the commission learns or discovers that any person or entity is, may be, or is about to be engaged in the transfer, relocation, demolition, or alteration of a historical artifact listed on the Inventory of Historical Artifacts without first obtaining the permission of the commission, such commission member shall notify the chair of the commission. The commission chair shall call a special meeting, to be held within 72 business hours consistent with the Wisconsin Open Meetings Law, by providing telephonic or written notice to each member of the commission at his/her usual place of abode at least six hours before the time set for the meeting. No business shall be transacted or action taken at any special meeting other than the prospective stop work order stated in the notice for the meeting. If the commission issues a stop work order, such order shall in place remain

until confirmed, modified, or overruled by the common council at a regularly scheduled meeting.

- (g) Cooperation with Other Public Entities. The Landmarks Preservation Commission shall work with other public entities including but not limited to the Racine Unified School District, Gateway Technical College, County of Racine, and State of Wisconsin to extend the protection of this ordinance to historical objects that they own.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

\_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Fiscal Note: N/A

- 3. [08-2361](#) **Subject:** (Direct Referral) 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 relating to discrimination.

**Recommendation of the Finance & Personnel Committee on 07-07-08:** Ordinance 10-08 be adopted.

**Fiscal Note:** N/A

**Staff Recommendation to the Finance & Personnel Committee on 05-24-10:** None at this time.

**Fiscal Note:** N/A

- 4. [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. *Accommodation* does not include lodging for transient guests, but requires an intent to return or an absence of an alternative place of residence.

*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.

*Conciliation* means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission.

*Conciliation agreement* means a written agreement setting forth the resolution of the issues in conciliation.

*Covered multifamily housing* means housing that is first ready for occupancy on or after March 13, 1991 in buildings consisting of three or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of three or more units.

*Department* means the City of Racine Fair Housing Department, unless

the context clearly means otherwise.

*Disability* means one or more physical or mental impairments that substantially limits one or more major life activities, a record of having such an impairment or impairments or being regarded as having such an impairment or impairments. *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 person.

*Dwelling* means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

*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.

*Family* includes a single individual.

*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 that fails to state reasonable cause to believe that a violation of this article, not exempted herein, may have occurred, may be occurring, or may occur in the future.

*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 one or more individuals, partnerships, labor or other associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, trustees in bankruptcy, or other fiduciaries, or the lessees, proprietors, managers, employees, or any other agents of any such persons.

*Prevailing party* means a party that has obtained a judgment on the merits or has obtained a settlement agreement enforced through a



consent decree or some other judicially sanctioned change in the legal relationship of the parties.

*Probable cause* means reasonable cause to believe that a violation of this article, not exempted herein, may have occurred, may be occurring, or may occur in the future.

*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 and any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under sec. 62-47(e).

*Residential real estate-related transaction* means the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling, or secured by residential real estate, or the selling, brokering, or appraising of residential real property.

*To Rent* includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

*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 city 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, and shall be directly responsible to the mayor and common council, but shall be under the supervision of the human resources manager. 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. The affirmative action officer is an ex officio member of the commission, and therefore is one of the nine members of the commission. 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. Notwithstanding anything else contained herein, the affirmative action officer/ex officio member of the commission need not be a city resident. Commissioners shall receive no compensation for their services.

(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.

In addition to those set forth more fully within, 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) To serve as an advisory body to the mayor and the common

council and to study and investigate problems relating to discrimination and denial of rights by reason of age, sex, race, veteran's status, disabled veteran's status, religion, 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 and complaints any practice of discrimination against any person within the city because of age, sex, race, disabled veteran's status, religion, color, national origin, disability or disabilities, marital status, sexual orientation, familial status or economic status.

(h) To receive complaints alleging violation of this article 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, the commission shall make public notice of such compliance unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of this article. In those cases where 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, and to order the full range of discovery available in civil actions for the purpose of its investigations and 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 city 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 City of Racine Human Resources 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 city department head, administrative manager, board, commission, or committee and access to all city 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 city 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 city department heads and administrative managers, 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 human resources 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 and administrative

manager 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.

#### 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 affirmative action officer 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 the affirmative action officer 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, is engaging in, or is about to engage 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 matter shall be referred to the commission to develop recommendations. The commission shall report its findings and recommendations to the mayor and common council.

(d) The 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.

Sec. 62-42. Penalty for violation of Article IIA.

Unless otherwise specified, any person adjudged to have committed a violation of this article shall forfeit that penalty as provided in section 1-

5. [10-5101](#)

**Subject:** Communication from Mary Williams to waive fees for a fundraiser at Tyler Domer Community Center.

**Staff Recommendation of the Finance & Personnel Committee on 05-24-10:** None at this time.

**Fiscal Note:** N/A

**Attachments:** [Communication from Mary Williams.pdf](#)

6. [10-5102](#)

**Subject:** Communication from the Director of Boy Scouts of America requesting to install soccer goals at Lockwood Park and Waiver of Fees and Charges.

**Staff Recommendation of the Finance & Personnel Committee on 05-24-10:** None at this time.

**Fiscal Note:** N/A

**Attachments:** [0332\\_001](#)

7. [10-5005](#)

**Subject:** Communication from the Alderman of the 11th District requesting to transfer \$33,000 from account 255.000.5970 - Library Sunday Contingency to account 101.990.5970 - Contingency.

**Recommendation of the Finance & Personnel Committee on 04-26-10:** Defer the item until the May 24, 2010 Finance & Personnel meeting in order to allow input from the Library Board.

**Fiscal Note:** N/A

**Staff Recommendation to the Finance & Personnel Committee on**

**05-24-10:** None at this time.

**Fiscal Note:** N/A

8. [10-5099](#) **Subject:** Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices for the period of June 1, 2010 through May 31, 2011.

**Staff Recommendation to the Finance & Personnel Committee on 05-24-10:** Racine Journal Times be awarded the bid of publishing the Common Council proceedings and all legal notices for the period of June 1, 2010 through May 31, 2011, they being the only bidder.

**Fiscal Note:** There are sufficient funds available in account 101.010.5540; City Council Proceedings.

**Attachments:** [0144 001](#)

9. [10-5144](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Operations requesting funding to install a handicap entrance device at the Racine Transit Center.

**Staff Recommendation of the Finance & Personnel Committee on 05-24-10:** \$3,780 be appropriated from Account 105.900.5010, Bus Capital Projects to fund the installation of a handicap entrance device at the Racine Transit Center.

**Fiscal Note:** There are sufficient funds available for the appropriation. The project will be federally funded at 80%.

**Attachments:** [Funds for Handicap Entrance BUS.doc](#)

10. [10-5152](#) **Subject:** Communication from the Fire Chief wishing to discuss adjustments to the State of Wisconsin Haz Mat Team compensation.

**Staff Recommendation of the Finance & Personnel Committee on 05-24-10:** None at this time.

**Fiscal Note:** N/A

**Attachments:** [State of Wisconsin Haz Mat Team Compensation Adjustment.docx](#)

11. [10-5153](#) **Subject:** Communication from the Fire Chief requesting to transfer funds to acquire rugged computers for use with the Computer Aided Dispatch System.

**Staff Recommendation of the Finance & Personnel Committee on**

**05-24-10:** Permission be granted for the Fire Chief to transfer \$6,000 from Account 101.300.5650 Paramedic Training to Account 101.300.5820 Computer Hardware.

**Fiscal Note:** There are sufficient funds available for the transfer.

**Attachments:** [Request to Transfer Money from Paramedic Training Account to Computer Harc](#)

## Adjournment

**If you are disabled and have accessibility needs or need information interpreted for you, please contact the Human Resources Department at 636-9175 at least 48 hours prior to this meeting.**