

AGENDA
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, SEPTEMBER 1, 2020, 7:00 PM
COMMON COUNCIL CHAMBERS
<https://zoom.us/j/89893639589>
1 312 626 6799 US TOLL-FREE
Meeting ID: 898 9363 9589

1. Roll Call
2. Virtual Attendees Seated (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chambers).
4. Approval of Minutes. RECOMMENDATION: Approve the minutes from the August 4, 2020 Committee of the Whole meeting.
5. Employee Residency Requirements. RECOMMENDATION: Discuss and action as appropriate.
6. Police Portable Radios. RECOMMENDATION: Recommend to Common Council to authorize using up to \$12,000 of 2020 Contingency Funds to purchase new police portable radios.
7. Virtual Meeting Discussion. RECOMMENDATION: Action as appropriate.
8. Motion to convene into closed session pursuant to WI §19.85(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (*MOU for Student Resource Officer (SRO) contract with Berlin Area School District and 2) Amendment to Police Dept Union Contract relating to SRO position*)
9. Reconvene into open session and take action as appropriate from closed session discussions.
10. Adjourn.

Note: In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

DATE: August 27, 2020

TO: Committee of the Whole

FROM: City Administrator Jodie Olson

RE: Employee Residency Requirements

BACKGROUND: The subject of residency requirements for employees has come up over the past few years and has recently been a discussion point at the Police & Fire Commission. Under current law, you cannot require residency for municipal employees; however, you can require a 15 mile residency requirement for public safety personnel. The City of Berlin currently does require public safety employees to be within 15 miles for response time purposes.

I did reach out to the League for statistics on this and they do not have any information to provide on the matter. I sent out a survey to other communities and the few responses I did receive indicated they have not instituted any residency requirement or have recently removed it.

The Police & Fire Commission has asked that Council review this policy and consider making changes to it as it does impact their pool of applicants. Attached you will find the current residency policy in the Employee Handbook and a copy of the current statute regarding residency requirements for the discussion.

RECOMMENDATION: Discuss and action as appropriate.

RESIDENCY REQUIREMENTS: Emergency personnel who were employed by the City on July 1, 2013, but who did not reside within fifteen (15) miles of the City of Berlin jurisdictional boundaries on that date, are not subject to the terms of this provision unless the employee has since moved from the residence the employee resided in on said date, whereby the employee shall then be required to comply with this provision.

Residency requirements for law enforcement, fire department and EMS personnel shall be established by separate departmental policies, and for law enforcement personnel may also be the subject of a collective bargaining agreement. Any residency requirements established shall be in compliance with Wis. Stat. §66.0502(4)(b), and all employees that are subjected to a residency requirement as described herein, or in such separate departmental policies, are deemed to be either law enforcement, fire or emergency personnel.

Some personnel, although deemed to be law enforcement, fire or emergency personnel under Wis. Stat. §66.0502(4)(b), such as but not limited to EMS and fire department on-call volunteers and employees, may not be subjected to residency restrictions because of the on-call response time restrictions already placed on such volunteers and employees, and because the City has a facility available to house EMS volunteers and employees while on call. Also, in regard to the EMS, for which there is already a limited recruitment pool of potential volunteers and employees, the Common Council has determined that imposing a residency requirement on such EMS volunteers and employees would create an additional burden on finding available qualified candidates for such positions which would be contrary to the City's interests.

All Public Works Department and Water & Sewer Utility employees, and the City Hall Custodian, shall be considered emergency personnel, and as a condition of employment, shall reside within fifteen (15) miles of the City of Berlin jurisdictional boundaries. Residency must be established within one year of the employee's commencement of employment with the City. The City reserves the right to determine whether an employee's living arrangements satisfy the requirements of this provision.

66.0502 Employee residency requirements prohibited. (1) The legislature finds that public employee residency requirements are a matter of statewide concern.

(2) In this section, "local governmental unit" means any city, village, town, county, or school district.

(3) (a) Except as provided in sub. (4), no local governmental unit may require, as a condition of employment, that any employee or prospective employee reside within any jurisdictional limit.

(b) If a local governmental unit has a residency requirement that is in effect on July 2, 2013, the residency requirement does not apply and may not be enforced.

(4) (a) This section does not affect any statute that requires residency within the jurisdictional limits of any local governmental unit or any provision of state or local law that requires residency in this state.

(b) Subject to par. (c), a local governmental unit may impose a residency requirement on law enforcement, fire, or emergency personnel that requires such personnel to reside within 15 miles of the jurisdictional boundaries of the local governmental unit.

(c) If the local governmental unit is a county, the county may impose a residency requirement on law enforcement, fire, or emergency personnel that requires such personnel to reside within 15 miles of the jurisdictional boundaries of the city, village, or town to which the personnel are assigned.

(d) A residency requirement imposed by a local governmental unit under par. (b) or (c) does not apply to any volunteer law enforcement, fire, or emergency personnel who are employees of a local governmental unit.

DATE: August 27, 2020

TO: Police & Fire Commission

FROM: City Administrator Jodie Olson

RE: Police Portable Radios

BACKGROUND: The current police radios were purchased in 2011 and were scheduled to be replaced in 2022. We have annually been setting aside \$3k towards the replacement since 2015. Unfortunately, the radio support is reaching end of life in 2020. Although the radios can still be used, it is advisable to purchase newer models to avoid issues and remain updated and consistent with other surrounding agencies.

New portable radios are approximately \$2,800 each and we would need 11 of them for a total estimated cost of \$30,800. This is a discounted price that is good through September 25. We currently have \$18k in reserve for them. I am requesting that Council consider utilizing \$12,000 out of contingency to purchase new radios in 2020 in lieu of waiting until 2022.

RECOMMENDATION: Recommend to Common Council to authorize using up to \$12,000 of 2020 contingency funding to purchase new police portable radios.