



136 North Monroe Street
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PUBLIC NOTICE OF A COMMITTEE MEETING OF THE CITY OF WATERLOO COMMON COUNCIL

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and news media, that a public meeting will be held to consider the following:

COMMITTEE: FINANCE, INSURANCE & PERSONNEL COMMITTEE
DATE: August 1, 2022
TIME: 5:00 p.m.
LOCATION: Waterloo Fire Station 900 Industrial Lane Waterloo, WI 53594

Join Zoom Meeting: <https://us02web.zoom.us/j/86719024696?pwd=RDBPNuk1Ym1pSkQ5RFZZTIB0OUk5QT09>
Meeting ID: 867 1902 4696 Passcode: 454907
Dial by phone +1 312 626 6799 US (Chicago)

- 1) CALL TO ORDER AND ROLL CALL
- 2) PUBLIC COMMENT
- 3) OLD BUSINESS
 - a) Update of Municipal Code 57 Fire Department
 - b) Updating Ordinance 5.21 RE: Fire Volunteer Funds 2007-22
- 4) FUTURE AGENDA ITEMS AND ANNOUNCEMENTS
- 5) ADJOURNMENT

Jeanne Ritter
Clerk/ Deputy Treasurer

Committee Members: Thomas, Weihert and Kuhl

Posted, Emailed & Distributed: 07/30/2022

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article I Organization and Regulations

[Adopted 10-19-1987 by Ord. No. 87-6 as §§ 5.01 to 5.09, 5.13, 5.14, 5.17 and 5.20 of the 1987 Code]

§ 57-1 **Composition.**

The Waterloo Fire Department shall consist of the Fire Chief, an Assistant Fire Chief, a First and Second Captain, a First and Second Lieutenant, a Secretary and a Treasurer, and as many drivers and firemen who live and normally work within the City as may be appointed by the Chief and approved by the Council, provided that at no time shall the Department consist of fewer than 28 active members.

§ 57-2 **Appointments.**

- A. Fire Chief. See Chapter 85, § 85-3, of this Code.
- B. Subordinates. The members of the Fire Department shall be appointed by the Fire Chief, subject to the Department bylaws and confirmation by the Council.

§ 57-3 **Regulations.**

Members of the Department shall be governed by the bylaws of the Department, the resolutions and ordinances of the City, the lawful orders of the Council and the Mayor, and the Wisconsin Statutes. The Department bylaws and amendments thereto shall be subject to approval by the Council.

§ 57-4 **Training.**

All members of the Department shall participate in the Department training program in accordance with the Department's bylaws. Department training sessions shall be held every month and all members shall be required to attend unless excused by the Fire Chief.

§ 57-5 **Disciplinary action.**

The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Department, subject to appeal to the Council.

§ 57-6 **Fire Chief.**

- A. General supervision. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not in conflict with this article and the rules and regulations of the Department.
- B. Command of fire-fighting operations. The Chief shall be present at all fires, if possible, and have complete command and entire responsibility of all fire-fighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.
- C. Reports to the Council. On or about October 1 of each year, the Chief shall submit to the Council a proposed budget for the coming year and a report relating to the conditions of all fire apparatus and the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.
- D. Enforcement of fire prevention laws and ordinances. He shall enforce all fire prevention ordinances of the City and the state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

- E. Fire record book. He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the location of the fire; the time the alarm was received; the cause of the fire; where the fire started; the cause of delay, if any, in responding; the amount of insurance carried on buildings and contents; estimated fire loss; the time the fire was extinguished; the names of the firemen responding; and general remarks.
- F. Apparatus inventory. He shall keep an inventory of all apparatus and equipment, and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered.
- G. Duties as commanding officer. He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

§ 57-7 Assistant Chief.

In the absence of the Chief, the Assistant Chief shall take command and perform the duties of the Chief. In the absence of both the Fire Chief and the Assistant Chief, the highest ranking officer or fireman shall be in charge.

§ 57-8 Control and use of apparatus.

- A. The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.
- B. Unless approved by the Fire Chief and the Mayor, no apparatus shall be used for any purpose except for fire fighting within the City limits, or in training therefor, except in towns which have contracted with the City for fire protection or in municipalities with which the City has entered into mutual aid agreements. Upon the approval of the Chief, such apparatus may be used for emergency purposes within the City and participating municipalities.

§ 57-9 Police power at fires.

- A. Police authority at fires. The Chief and his assistant or officers in command at any fire are hereby vested with full and complete police authority. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- B. Control of fires. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firemen and policemen and those admitted by order of any officer of the Department shall be permitted to enter. The Chief may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire, he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He may also cause the removal of all wires or other facilities and the turning off of all electricity, gas or other services where the same impedes the work of the Department during the progress of a fire.
- C. Entering premises. Any fireman, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire, and if any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.
- D. Duties of bystanders. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey said orders.

- E. Injury to equipment prohibited. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City, and no vehicle or railroad equipment shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

§ 57-10 Right-of-way of fire apparatus.

The officers and members of the Fire Department, with their fire equipment of every kind, when going to or on duty at a fire, shall have the right-of-way over all other vehicles upon City streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the apparatus and vehicles of the Fire Department shall, however, have no special right-of-way or other privileges of any kind but shall be subject to all traffic regulations applied to other vehicles. Emergency vehicles responding to a call, and exceeding the posted speed limit, shall have all emergency lights and siren in operation.

§ 57-11 Traffic laws apply to volunteers.

All volunteer firemen, when responding to a fire call with a private vehicle, shall comply with all traffic regulations, except nonmoving traffic regulations.

§ 57-12 Rescue service.

[Amended 4-5-2018 by Ord. No. 2018-03]

- A. Rescue service for the City and participating town residents shall be provided by the Waterloo Fire Department.
- B. When the Waterloo Fire Department is called upon to extinguish a vehicle fire, extricate a person from a vehicle, provide on-scene cleanup of flammable or hazardous substances, or provide on-scene care or assistance to a vehicle occupant, the driver or owner of the vehicle will pay a service fee to the Waterloo Fire Department in an amount not to exceed \$500, or as amended from time to time by the Waterloo City Council upon recommendation of the Waterloo Fire Department.

§ 57-13 Violations and penalties.

Any person who shall violate any provision of this article or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Chapter 1, § 1-4, of this Code.

Article II Fire Volunteer Funds

[Adopted 12-20-2007 by Ord. No. 2007-22]

§ 57-14 Intent.

This article imposes a number of obligations on the Waterloo Fire Company with respect to certain funds provided to it from time to time.

§ 57-15 Purpose.

The purpose of this article is to authorize the deposit of certain funds into a members' account to be held and administered by the Fire Company.

§ 57-16 Authority.

The City Council adopts this article, pursuant to § 66.0608, Wis. Stats., and it is to be interpreted in conformance with that section as it may be amended from time to time.

§ 57-17 Definitions.

In this article, the following terms have the following assigned meanings:

CITY

The City of Waterloo.

CITY COUNCIL

The City Council of the City of Waterloo.

FIRE CHIEF

The Fire Chief of the Fire Company.

FIRE COMPANY

The active division of the Waterloo Fire Department.

FIRE COMPANY ACCOUNT

Has the meaning set forth in § 57-18B below.

FIRE VOLUNTEER FUNDS

Volunteer funds that are raised by members of the Fire Company, by volunteers, or by donation to the Fire Company, for the exclusive benefit of the Fire Company.

PUBLIC DEPOSITORY

Has the meaning given in § 34.01(5), Wis. Stats.

§ 57-18 Description of accounts.

The following separate accounts are hereby established for the Fire Company, to be accounted for and administered according to the conditions stated in this article:

- A. Members' account. This account shall be used for the deposit of all fire volunteer funds raised by the Fire Company through fundraising activities, donations, and similar sources.
- B. Fire Company account. This account shall be used for the deposit of all funds raised by the Fire Company through the provision of emergency medical services to the public by the Fire Company; through payments by the municipalities served by the Fire Company for the provision of fire and other municipal services; and through appropriations by the City from time to time.

§ 57-19 Authorization for deposit of funds.

The Fire Chief or his/her designated representative shall deposit fire volunteer funds to the members' account, held in the name of the Fire Company. All such fund deposits shall be in a public depository in which other City funds are being held by the City Treasurer. All other funds shall be held in the Fire Company account, to be administered by the City Treasurer in accordance with applicable provisions of law.

§ 57-20 Control of funds.

The Fire Company, through the Fire Chief or his/her designated representative, is granted exclusive control over the expenditure of the funds in the members' account, subject to any restrictions imposed by the donors or the organizational documents for the Fire Company. All of the funds comprising the Fire Company account shall be controlled by the City.

§ 57-21 Limitations, requirements, and withdrawals.

The following limitations and requirements shall apply to the handling and disbursement of funds from the members' account:

- A. Expenditures withdrawn from the members' account shall be made only upon majority vote of the Fire Chief and the elected officers of the Fire Company.
- B. Withdrawals and expenditures from the members' account may be made for any purpose that promotes the ability of the Fire Company to provide the services for which it is organized.
- C. The funds in the members' account shall remain the property of the City until the funds are disbursed in accordance with this article.

§ 57-22 **Accounting; audit.**

The members' account shall be maintained in accordance with generally accepted accounting principles and shall be included in any annual audit of the City funds, and shall be audited in the same manner.



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ORDINANCE #2007-22
RE: FIRE VOLUNTEER FUNDS

The Common Council for the City of Waterloo does ordain as follows:

SECTION 1. The following Section 5.21 of the Municipal Code of Waterloo, Wisconsin, is hereby created as follows:

"5.21 **Fire Volunteer Funds.** This section imposes a number of obligations on the Waterloo Fire Company with respect to certain funds provided to it from time to time.

- (a) **Purpose.** The purpose of this section is to authorize the deposit of certain funds into a "Members' Account" to be held and administered by the Fire Company.
- (b) **Authority.** The City Council adopts this section pursuant to Section 66.0608, Wis. Stats., and it is to be interpreted in conformance with that section as it may be amended from time to time.
- (c) **Definitions.** In this Section 5.21, the following terms have the following assigned meaning.
 - (1) "City" means the City of Waterloo.
 - (2) "City Council" means the City Council of the City of Waterloo.
 - (3) "Fire Chief" means the Fire Chief of the Fire Company.
 - (4) "Fire Company" means the Active Division of the Waterloo Fire Department.
 - (5) "Fire Company Account" has the meaning set forth in Section 5.21(d)(2) below.
 - (6) "Fire volunteer funds" means volunteer funds that are raised by members of the Fire Company, by volunteers, or by donation to the Fire Company, for the exclusive benefit of the Fire Company.
 - (7) "Public depository" has the meaning given in Section 34.01(5), Wis. Stats.
- (d) **Description of Accounts.** The following separate accounts are hereby established for the Fire Company, to be accounted for and administered according to the conditions stated in this Section 5.21.
 - (1) **Members' Account.** This account shall be used for the deposit of all fire volunteer funds raised by the Fire Company through fundraising activities, donations, and similar sources.
 - (2) **Fire Company Account.** This account shall be used for the deposit of all funds raised by the Fire Company through the provision of emergency medical services to the public by the Fire Company; through payments by the municipalities served by the Fire Company for the provision of fire and other municipal services; and through appropriations by the City from time to time.

- (e) **Authorization for Deposit of Funds.** The Fire Chief or his/her designated representative shall deposit fire volunteer funds to the Members' Account, held in the name of the Fire Company. All such fund deposits shall be in a public depository in which other City funds are being held by the City Treasurer. All other funds shall be held in the Fire Company Account, to be administered by the City Treasurer in accordance with applicable provisions of law.
- (f) **Control of Funds.** The Fire Company, through the Fire Chief or his/her designated representative, is granted exclusive control over the expenditure of the funds in the Members' Account, subject to any restrictions imposed by the donors or the organizational documents for the Fire Company. All of the funds comprising the Fire Company Account shall be controlled by the City.
- (g) **Limitations, Requirements, and Withdrawals.** The following limitations and requirements shall apply to the handling and disbursement of funds from the Members' Account.
 - (1) Expenditures withdrawn from the Members' Account shall be made only upon majority vote of the Fire Chief and the elected officers of the Fire Company.
 - (2) Withdrawals and expenditures from the Members' Account may be made for any purpose that promotes the ability of the Fire Company to provide services for which it is organized.
 - (3) The funds in the Members' Account shall remain the property of the City until the funds are disbursed in accordance with Section 5.21.
- (h) **Accounting/Audit.** The Members' Account shall be maintained in accordance with generally accepted accounting principles and shall be included in any annual audit of the City funds, and shall be audited in the same manner.
- (i) **Severability.** If any provision of this section is invalid or unconstitutional, or if the application of this section to any person or circumstance is invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of this section which can be given effect without the invalid or unconstitutional provision or application."

SECTION 2. This ordinance shall take effect on January 1, 2008. The provisions in this Ordinance shall prevail over any previous ordinances of the City that are or may be in conflict therewith.

Acted on and adopted at a regular meeting of the Common Council on December 20, 2007.

CITY OF WATERLOO

Signed: *Robert H. Thompson*
 Robert H. Thompson, Mayor

Attest: *Morton J. Hansen*
 Morton J. Hansen, Clerk/Treasurer

Date Adopted: December 20, 2007

Date Published: The Courier, January 17, 2008

{note: all text is new} = New Text
 STRIKETHROUGH = Deleted Text
 SPONSOR (S) – Directed by Council Action (Resolution #2007-58)

SECTION XIII
DONATION POLICY

- 13.1 Policy. The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City and to ensure compliance with applicable laws and accounting procedures. This policy supersedes other departmental policies regarding these issues. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. This policy also establishes the standards for City employees and City officials regarding the acceptance of gifts and fundraising activities during the performance of City business.
- 13.2 Types of Donations. Donations may be offered in the form of cash, real or personal property. Designated donations are those donations that the donor specifies for a City department, location, or purpose. Undesignated donations are those donations that are given to the City for an unspecified use. Designated donations may only be accepted when they have a purpose consistent with the City's goals and objectives and are in the ~~best interest of the~~ City of Waterloo.
- 13.3 Acceptance of Donations. Based on the value of the donation offered as outlined below, appropriate City staff shall review every donation and determine if the benefits to be derived warrant acceptance of the donation. The following points list the threshold amounts for donation acceptance.
1. Offers of donations of cash or items valued at \$5,000 or below shall be considered for acceptance by the Department Head.
 2. Offers of donations of cash or items valued more than \$5,000 and up to \$50,000 shall be considered for acceptance by the Mayor. All donations over \$10,000 shall be reported to the City Council as informational.
 3. Offers of donations of cash or items valued more than \$50,000 shall be considered for acceptance by the City Council. Donations valued at more than \$50,000 require acceptance through a written agreement consistent with these guidelines and approved by the City Council.
- 13.4 Acceptance of Designated Donations. Prior to acceptance of designated donations, appropriate City staff will review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation. Criteria for the evaluation include but are not limited to:
1. Consideration of an immediate or initial expenditure required to accept the donation.

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SECTION IX
PURCHASING PARAMETERS

- 9.1 Unbudgeted or Under-Budgeted Purchases. The Common Council, by way of a recommendation from the City's Finance/Personnel Committee, must approve all non-budgeted purchases prior to purchasing. The Department Head must still comply with competitive bidding requirements and forward a completed purchase order with copies of bids or quotes received to the City Clerk/Treasurer.
- 9.2 Purchase Orders.
1. A Purchase Order may be issued by a Department Head for internal departmental tracking.
 2. The Clerk/Treasurer's Office will review the invoices awaiting payment for accuracy, discounts available, erroneous sales tax charges and may make changes if errors are found.

 3. All financial obligations, after administrative review, shall be submitted to the Council for approval at the regular meetings of the Council. The Mayor is authorized to deviate from this point when it is in the best interests of the City to take advantage of discounts offered by suppliers or contractors, which if not pursued, would result in additional costs to the municipality. Said payments shall be listed for Council approval also, but the checks may be released early if the in the best interest of the City.
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66.0608 Separate accounts for municipal fire, emergency medical services practitioner, and emergency medical responder volunteer funds.

(1) DEFINITIONS. In this section:

(ak) "Emergency medical responder" has the meaning given in s. 256.01 (4p).

(am) "Emergency medical responder volunteer funds" means funds of a municipality that are raised by employees of the municipality's emergency medical responder department, by volunteers, or by donation to the emergency medical responder department, for the benefit of the municipality's emergency medical responder department.

(aw) "Emergency medical services practitioner" has the meaning given in s. 256.01 (5).

(b) "Emergency medical services practitioner volunteer funds" means funds of a municipality that are raised by employees of the municipality's emergency medical services practitioner department, by volunteers, or by donation to the emergency medical services practitioner department, for the benefit of the municipality's emergency medical services practitioner department.

(c) "Fire volunteer funds" means funds of a municipality that are raised by employees of the municipality's fire department, by volunteers, or by donation to the fire department, for the benefit of the municipality's fire department.

(f) "Municipality" means any city, village, or town.

(g) "Public depository" has the meaning given in s. 34.01 (5).

(h) "Volunteer funds" means emergency medical services practitioner volunteer funds, fire volunteer funds, or emergency medical responder volunteer funds.

(2) GENERAL AUTHORITY. Subject to subs. (3) and (4), the governing body of a municipality may enact an ordinance that does all of the following:

(a) Authorizes a particular official or employee of the municipality's fire department, emergency medical services practitioner department, or emergency medical responder department to deposit volunteer funds of the department for which the individual serves as an official or employee, in an account in the name of the fire department, emergency medical services practitioner department, or emergency medical responder department, in a public depository.

(b) Gives the municipality's fire department, emergency medical services practitioner department, or emergency medical responder department, through the official or employee described under par. (a), exclusive control over the expenditure of volunteer funds of the department for which the individual serves as an official or employee in an account described under par. (a).

(3) LIMITATIONS, REQUIREMENTS. An ordinance enacted under sub. (2) may include any of the following limitations or requirements:

(a) A limit on the type and amount of funds that may be deposited into the account described under sub. (2) (a).

(b) A limit on the amount of withdrawals from the account described under sub. (2) (a) that may be made, and a limit on the purposes for which such withdrawals may be made.

(c) Reporting and audit requirements that relate to the account described under sub. (2) (a).

(4) OWNERSHIP OF FUNDS. Notwithstanding an ordinance enacted under sub. (2), volunteer funds shall remain the property of the municipality until the funds are disbursed.