



City of Lake Geneva, 626 Geneva St, Lake Geneva, WI 53147- 262.248.3673- www.cityoflakegeneva.gov

**PERSONNEL COMMITTEE
MONDAY, JUNE 2, 2025 - 4:00 PM
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)**

Members:

Chairperson - Joel Hoiland; Members - JaNelle Powers, Mary Jo Fesenmaier, Brian Smith and Cindy Yager.

AGENDA

1. Call to Order
2. Roll Call
3. Comments from the public limited to 5 minutes, limited to items on this agenda
4. Approval of the minutes from May 5, 2025
5. Review Personnel Committee (Updated) Action Plan 2025-2026
6. City Administrators Report
7. Discussion/Recommendation regarding proposed revisions to Municipal Code Sec. 2-49 (3): Personnel Committee Ordinance
8. Review Municipal Government Policy Manual: Chapter 2 – Organization & Administration
9. Future topics
10. Next Meeting Date: July 7, 2025 at 4:00 pm
11. Adjournment

This is a meeting of the Personnel Committee. No official Council action will be taken; however, a quorum of the Council may be present.

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the City Clerk's office in advance so the appropriate accommodations can be made.

**CITY OF LAKE GENEVA PERSONNEL COMMITTEE MINUTES
MONDAY, MAY 5, 2025 - 4:00 PM
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)**

Members: Chairperson - Joel Hoiland; Members - JaNelle Powers, Mary Jo Fesenmaier, Brian Smith and Cindy Yager.

Call to Order

by Chairperson Hoiland at 4:01 pm.

Roll Call

Present: Joel Hoiland, JaNelle Powers, Mary Jo Fesenmaier, Brian Smith (via zoom) and Cynthia Yager. Others present: City Administrator Dave De Angelis, City Clerk Lacey L. Reynolds, Finance Director Laura Pisarcik, Alderperson Linda Frame and other interested persons.

Comments from the public limited to 5 minutes, limited to items on this agenda

None.

Approval of the minutes April 7, 2025

Motion by Yager to approve, second by Fesenmaier. Voice vote, approved, motion carried.

Review Personnel Committee Action Plan 2025-2026

Chairperson Hoiland reviewed the 2025-2026 Committee Action Plan. City Administrator De Angelis explained his transition timeframe for full time employment and announced the Park Director job is posted.

Update on Staff Searches

City Administrator

The search is complete and Interim Dave De Angelis is moving into the full time position.

Parks Director

The Parks Director position is posted.

Discussion/Recommendation regarding revisions of Municipal Code Sec. 2-49 (3): Personnel Committee Ordinance

Discussion took place and Administrator De Angelis asked to review the previous modifications and new document from Alder Hoiland. De Angelis will report to the Council with a recommendation.

Review Municipal Government Policy Manual: Chapter 1 - Role and Authority

The committee reviewed chapter 1, discussed multiple sections of the chapter and updates they would like to make.

Future topics

Alder Hoiland suggested volunteer services, recruiting, placement, training and rewarding volunteers. Other topics suggested were internal/external communications and ADA compliance.

Next Meeting Date: June 2, 2025 at 4:00 pm

Alder Hoiland announced the next meeting.

Adjournment

Motion by Yager to adjourn, second by Powers. Voice vote, approved, motion carried. Adjourned at 5:20 pm.

Lacey L. Reynolds
City Clerk

Personnel Committee Action Plan – 2025-2026

Prepared by: Joel Hoiland, Chairman, Personnel Committee

Date: April 25, 2025; *Updated May 27, 2025*

Purpose and Vision

The Personnel Committee seeks to prioritize personnel needs, and modernize the structure and processes. This action plan outlines steps to align responsibilities, fill gaps, and clarify strategic, policy, and oversight versus administrative and operational roles.

Top Priorities (First 6 Months)

1. Fill Vacant Staff Positions

Parks Director Search:

- **Objective:** Hire a qualified full-time Parks Director consistent with criteria in the job description.
- **Recommended Actions:** Post the position on the city website and begin recruitment actions.
- **Timeline:** Initiate all steps immediately and review applications weekly. Fill position by July 31.

Other Staff Vacancies: To be overseen by City Administrator

2. Revise Municipal Code Sec. 2-49 (3): Personnel Committee Ordinance

- **Objective:** Redefine the committee's role to emphasize policy-making, oversight, and strategic direction.
- **Action:** Draft ordinance amendment differentiating strategic, policy, and oversight responsibilities (Personnel Committee) from administrative and operational duties (City Administrator and Department Heads).
- **Timeline:** Initial draft by July 7, 2025; Committee vote by August 4, 2025.

3. Policy Manual Review and Revision – (Enacted March 26, 2024)

- **Objective:** Ensure policies reflect current laws, expectations, and City Council decisions. Clarify governance roles to improve accountability and reduce overreach.
- **Action:** Coordinate with City Administrator, Comptroller, City Attorney, and department heads to:
 - Audit existing manual (one chapter per month).
 - Identify gaps or outdated policies.
 - Establish revision workflow and schedule.
- **Timeline:** Begin review at May 5 meeting and one chapter per month.

4. Staffing & Service Delivery Assessment – Procedures Manual

- **Objective:** Align employee handbook, procedures manual, and workforce with service needs.
- **Action:** Carried out by City Administrator and department heads.
 - Audit Employee Handbook.
 - Evaluate each department's procedures, structure, duties, and capacity.
 - Identify where services are underserved or staff is overstretched.
 - Recommend adjustments (updates, additions, reassignments, or redefinitions).

- **Timeline:** Regular reporting as appropriate.

City Administrator Priorities & Issues

- **Performance Review Standards:** City Administrator to develop a consistent Key Performance Indicators (KPIs) for staff evaluations administered by City Administrator and department heads.
- **Succession Planning:** City Administrator to identify key roles vulnerable to turnover and the preparation of transition plans.
- **Training & Development Policy:** City Administrator and department heads to define minimum KPI standards and incentives for continuous learning.
- **Workplace Culture & Retention:** City Administrator and department heads to identify a method to evaluate staff morale, assess retention trends, and to identify improvement opportunities.

Expected Outcomes

- Clearly defined strategic/policy/oversight vs. administrative/operational boundaries.
- Improved efficiency in staff management and service delivery.
- Professional and consistent HR framework.
- Higher morale, reduced turnover, and better policy alignment.



Re: Clarification on Ordinance 24-01 and Council Procedure

From Dan Draper <DDraper@cityoflakegeneva.gov>

Date Wed 5/14/2025 11:29 AM

To City Administrator <cityadmin@cityoflakegeneva.gov>; Joel Hoiland <jhoiland@cityoflakegeneva.gov>

Cc Mayor <mayor@cityoflakegeneva.gov>; Laura Pisarcik <lpisarcik@cityoflakegeneva.gov>

Joel,

I do not see that Ordinance 24-01 or for that matter any amendments to Sec. 2-49(3) ever came back to the City Council as a first or second reading. The agenda item was listed as "Discussion/action regarding Ordinance 24-01..." It was not listed as a first reading on the agenda.

In regard to question 1, **is there a time limit or another limitation for bringing a recommendation back to the Common Council**, a failed motion or one that is not acted upon can be brought back before the Council an infinite number of times (provided it is placed on the agenda appropriately) unless limited by ordinance or statute.

With regard to question 2, **can a new round of review begin without being bound by prior amendments**, it is important to understand that no action has taken place on the item other than a request for review before the item was to be considered for a 1st and 2nd reading. There is nothing to prevent another proposal to come forward regarding Sec. 2-49(3). Since the Personnel Committee was the body that sent the recommendation to the Council, that body could forward a new recommendation. I do not know why the item was never placed on the agenda after June 24, 2024. There is not a set rule as to when an item is to be brought before the Council after it is referred to another person or body for review. There is no time limit unless it is stated specifically in the motion for review. In this case, there was not a set time limit established when the item was to be brought back before the City Council.

With regard to question 3, **are we obligated to include the 2024 amendments in any future version**, there is no obligation to bring forth the previous amendments in any new proposal by the Personnel Committee. Just as one City Council is not bound by actions of a previous City Council, the Personnel Committee is not bound by actions of previous Personnel Committees, provided they are not contrary to procedural rules established by the committee.

Daniel S. Draper

Personnel Committee Ordinance – Proposed Amendments

This is a suggested draft of amended ordinance language that delineates strategic, policy, and oversight responsibilities of the Personnel Committee from the administrative and operational responsibilities of the City Administrator and department heads. The goal is to maintain strong governance while ensuring efficient administration. *(Current language – strikethrough)*.

Purpose – To define and clarify the Personnel Committee’s strategic and oversight functions, while distinguishing administrative and operational authority granted to the City Administrator and Department Heads.

Section 1: Responsibilities of the Personnel Committee

a. Employment Agreements and Labor Negotiations

The Personnel Committee shall serve as the lead body for negotiating strategic terms and conditions of employment contracts or agreements between the City and its City Administrator and department heads, excluding those employees under the jurisdiction of another designated City committee or commission. The City Administrator may be delegated to assist in negotiations, but all strategic direction must be set and approved by the Committee.

~~The Committee shall be responsible for negotiating all employment contracts or agreements between the City of Lake Geneva and its employees, excepting only those employees who are specifically governed by another City committee or commission.~~

b. Recommendation of Employment Agreements

The Committee shall make formal recommendations to the City Council to approve or reject proposed contracts or employment agreements. The City Council retains final authority to approve or reject such agreements by majority vote.

~~The Committee shall make a recommendation to the City Council to accept or reject employee contract or agreement offers. The City Council shall have the sole power to accept or reject employee contracts or agreements by a majority vote.~~

c. Oversight of Department Head Performance

The Committee shall conduct a semiannual and/or annual performance evaluation of the City Administrator. The City Administrator shall conduct a semiannual and/or annual performance evaluations City department heads, excluding those governed by another City committee, commission, or elected official. Evaluations shall focus on leadership effectiveness, adherence to City goals, policy implementation, and fiscal management.

~~The Committee shall be responsible for periodic evaluations, semiannual and/or annual, of all City department heads except those governed by another City commission, committee, or official.~~

d. Disciplinary Oversight

The Committee shall act in an oversight capacity for disciplinary actions involving department heads and exempt employees, and for matters escalated beyond internal departmental resolution such as grievances, prohibitive practice complaints, or termination recommendations. The City Administrator and department heads retain operational authority to address day-to-day personnel issues within the bounds of City policy and the Employee Handbook.

~~The Committee shall be responsible for all disciplinary matters involving grievances, prohibitive practice complaints, work rule violations, contract violations, and other matters including discharge or separation for employment.~~

e. Job Description Oversight

The Committee shall review and recommend job descriptions for all non-sworn City positions (excluding Police and Fire), for approval by the City Council. The City Administrator and department heads shall propose new or modified job descriptions based on operational needs, subject to Committee review and recommendation.

~~The Committee shall be responsible for creating and recommending to the City Council job descriptions for all City employees (except police and fire), and such job descriptions shall be utilized when advertising for and evaluating potential new and current employees.~~

f. Interview and Appointment Oversight

The Committee shall interview and recommend candidates for exempt employee and appointed official positions subject to City Council appointment under Section 2-3 of the Municipal Code. Operational screening, recruitment, and initial candidate vetting shall be performed by the City Administrator and department heads, consistent with approved job descriptions and within budgetary guidelines.

~~The Committee will interview all prospective exempt employees and all appointed officials of the City that are appointed by the City Council as set forth in Section 2-3 of the Municipal Code of the City of Lake Geneva. City department heads are those individuals responsible for the oversight of particular functions and employees of the City. City department heads shall be given the authority to hire and terminate employees within their department, provided that any hiring is done without violating budgetary constraints placed on their departments and any terminating is done within the guidelines established by the City of Lake Geneva Employee Handbook.~~

Section 2: Responsibilities of the City Administrator and Department Heads

a. Day-to-Day Personnel Management

The City Administrator and department heads are responsible for the operational management of City employees within their departments, including recruitment, supervision, evaluation, discipline, and termination, in accordance with the Employee Handbook and budgetary constraints.

b. Implementation of Council-Approved Policies

Operational staff shall implement and adhere to personnel policies, compensation structures, job descriptions, and procedures approved by the City Council upon recommendation of the Personnel Committee.

c. Internal Dispute Resolution

The City Administrator shall act as the first level of appeal for personnel issues unresolved at the department level, prior to any matters being elevated to the Personnel Committee for oversight.

Section 3: Collaboration and Reporting

a. Collaboration Protocol

The City Administrator shall keep the Personnel Committee regularly informed of key staffing issues, organizational structure changes, and proposed strategic shifts in personnel policy.

b. Reporting Requirements

The City Administrator shall provide periodic reports to the Personnel Committee on hiring, promotions, evaluations, disciplinary actions, and staffing levels, to ensure alignment with policy and budgetary expectations.

Chapter 2 - Organization and Administration

Electronic Mail

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the City.

200.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

200.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire City are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

200.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The City Administrator or designee should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Information Technology Use

201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of city information technology resources, including computers, electronic devices, hardware, software, and systems.

201.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

201.2 POLICY

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

201.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system.

The City reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

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Information Technology Use

201.4 RESTRICTED USE

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

201.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer viruses, Grey Market Licenses or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer or city devices.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

201.4.2 HARDWARE

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

- (a) Sensitive or confidential information will not be stored on any type of external storage device unless approved by the City Administrator or the authorized designee. Any external storage device i.e. (USB drive, Thumb drive, external hard drive) must be approved by IT prior to use on the City's network.

201.4.3 INTERNET USE

Internet access provided by or through the City shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

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201.4.4 USE DURING NON-WORK HOURS

Employees shall only use technology resources provided by the City during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

201.4.5 CYBER SECURITY

City Staff and all Elected Officials will be subject to cyber-security simulations and training modules. Assigned training modules must be completed within their respective due dates.

201.5 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

201.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff, or the city I.T. service provider may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

Local Government Use of Social Media

202.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any and all use of social media on behalf of the City is consistent with the City's mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in the City's personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

202.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

202.2 POLICY

The City will use social media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

202.3 AUTHORIZED USERS

Only employees authorized by the City Administrator or the authorized designee may utilize social media on behalf of the City. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors or department head.

The City Administrator may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over city social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

Restriction to company applications are only as permitted by the City Administrator on work devices.

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Local Government Use of Social Media

202.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the City mission, and that conforms to all city policies regarding the release of information may be posted. Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

202.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the City Administrator or the authorized designee will be responsible for the compilation of information to be released.

202.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Any content posted for personal/political use or for personal benefit.
- (g) Any content that has not been properly authorized by this policy or a supervisor.
- (h) Please refer to the Use of Information Technology Policy for the use of applications.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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Local Government Use of Social Media

202.5.1 PUBLIC POSTING PROHIBITED

City social media sites shall be designed and maintained to prevent posting of content by the public.

The City may provide a method for members of the public to contact city employees directly.

202.6 MONITORING CONTENT

The City Administrator will appoint a supervisor to review, at least annually, the use of city social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

202.7 RETENTION OF RECORDS

The City Administrator should work with the City Clerk to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

202.8 TRAINING

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

Subpoenas and Court Appearances

203.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the City Administrator informed about relevant legal matters.

203.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

203.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

203.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the City.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the City Legal Counsel. The City Administrator should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

203.3.2 WORK-RELATED SUBPOENAS

The City will compensate employees who appear in their official capacities on matters arising out of their official duties.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

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Subpoenas and Court Appearances

203.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

203.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

203.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress and prepared to proceed immediately with the case for which they are scheduled to appear.
- (c)

203.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

203.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the City's Legal Counsel promptly after receiving the subpoena that the specified records are needed for court.

Limited English Proficiency Services

204.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

204.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual employee - An employee of the City, designated by the City Administrator or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

204.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

204.3 FOUR-FACTOR ANALYSIS

Because there are many different languages that employees could encounter, the City will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

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Limited English Proficiency Services

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by city employees, or who may benefit from programs or services within the jurisdiction of this city.
- (b) The frequency with which LEP individuals are likely to come in contact with city employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

204.4 TYPES OF LEP ASSISTANCE AVAILABLE

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept city-provided LEP services at no cost, or they may choose to provide their own.

City-provided LEP services may include but are not limited to the assistance methods described in this policy.

204.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the city website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

204.6 AUDIO RECORDINGS

The City may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

204.7 CONTACT AND DOCUMENTATION

Although all public contacts, services, and individual rights are important, this city will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this city is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees

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should document the type of interpretation services utilized and whether the individual elected to use services provided by the City or some other identified source.

204.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The City will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

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205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

205.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The employee designated by the City Administrator to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Power-driven mobility device - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

Service animal - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

205.2 POLICY

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

205.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
 - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current city buildings and facilities to identify access issues.
 - 2. Review of current city services, activities, and programs for access issues.
 - 3. Assessment and update of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.
 - 6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.

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- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
 - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

205.4 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

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If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

205.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 1. A substantial alteration of the service, program, or activity.
 2. An undue financial or administrative burden on the City.
 3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 4. A threat to or the destruction of the historic significance of an historic property.
 5. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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205.4.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

205.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

205.5 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

205.5.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

205.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

205.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, and service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, and service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

Persons with disabilities may choose to accept city-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

205.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

205.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

205.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

205.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

205.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

205.6.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

205.7 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

205.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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205.7.2 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

205.7.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

205.7.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

205.8 WEBSITE ACCESS

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

205.9 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

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- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

205.10 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

205.11 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

This policy addresses the preparation, maintenance, and activation of the city's emergency management plan.

206.2 POLICY

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

206.3 CITY RESPONSIBILITIES

The Mayor, the Police Chief or the Fire Chief should designate a person responsible for the city's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

206.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency.

206.4.1 RECALL OF PERSONNEL

In the event that the emergency management plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

206.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

The plan is located in an EMS binder on file with the city.

206.6 EMERGENCY MANAGEMENT PLAN REVIEW

The Mayor or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The City Administrator or the authorized designee should appropriately address any needed revisions.

206.7 TRAINING

The City should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion

Volunteers

207.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

207.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

207.2 POLICY

It is the policy of the City that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

207.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- (a) Review and sign all applicable release and hold harmless forms provided by the City.
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The City Administrator may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

207.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

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207.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

207.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

Requests for volunteers should be submitted in writing by interested city employees to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All city employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

207.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation or screening.

207.4.3 APPOINTMENT

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by the City Administrator or the authorized designee. Notice may only be given by an authorized representative of the City, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the City.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

Volunteers serve at the discretion of the City Administrator.

207.5 IDENTIFICATION AND DRESS CODE

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

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Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by city employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

207.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with the City Administrator or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

207.7 VOLUNTEER COORDINATOR

The volunteer coordinator should be appointed by the City Administrator or the authorized designee.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the City, and to direct and assist efforts to jointly provide more productive volunteer services. Volunteers serve under the general direction of the supervisor in charge of the volunteer's assignment but report to the volunteer coordinator.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers.
- (b) Conducting volunteer meetings, as appropriate.
- (c) Establishing and maintaining a volunteer callout roster, as necessary.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers.

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An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

207.8 RESPONSIBILITIES

Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

207.8.1 COMPLIANCE

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

207.8.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

207.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

207.9.1 VOLUNTEER TRAINING MATERIALS

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly

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function as a volunteer with the City. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

207.10 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

207.10.1 EVALUATIONS

A volunteer will be considered a trainee until training has been satisfactorily completed. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the assignment and authorities granted to that volunteer.

207.10.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

207.11 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required

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to sign a nondisclosure agreement before being given an assignment with the City. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the proper city personnel.

207.11.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

207.12 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

207.12.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the volunteer coordinator and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a city-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The volunteer coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating city vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate city vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

207.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

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Volunteers are considered at-will and may be removed from service at the discretion of the City Administrator or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the City Administrator or the authorized designee.

Volunteers may resign from volunteer service with the City at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

207.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the City.

Purchasing Policy

208.1 INTRODUCTION

This purchasing policy applies to all departments, boards, commissions and committees of the City of Lake Geneva. This policy generalizes state law in an effort to assist in understanding and application of purchasing requirements. This policy does not address every purchasing situation. Should a City employee have any questions or when an unusual situation occurs, please consult your supervisor or City Comptroller for further guidelines.

State law supersedes the City's policy in the event of any conflict.

Purchasing Goals:

- a. Assure compliance with Federal, State and local purchasing laws.
- b. Establish policies and procedures that maintain the integrity of the purchasing process, encourage competition, and achieve cost savings.
- c. Procure goods and services of the requested quality and quantity from responsible sources using the most efficient and economical means at the best possible price with availability when and where they are needed.

208.2 AUTHORITY TO PURCHASE

Purchasing Authorization: The City Administrator pursuant to the City Council's approval of this policy, has delegated purchasing authority and responsibilities with respect to the purchasing of goods and services to certain City positions including member of the Finance Department, as well as Department Directors and their designees. City Council authorizes the City Administrator to sign contracts that are below thresholds for which explicit City Council approval is required.

General Purchase Authority: No employee may purchase products or services on behalf of the City without first seeking approval as required by this policy. All purchases require advance approval of the appropriate Department Head or City Administrator in accordance with the following guidelines:

Budget Items under \$2,500- Budget items requiring expenditures under \$2,500 do not require pre-approval or the procurement of quotes by the Department Head, but the Department Head shall approve the invoice in the City's financial software for payment prior to Finance Department processing.

Budget Items from \$2,501 to \$7,500-All budget items requiring expenditures form \$2,501-\$7,500 shall be reviewed and pre-approved by the Department Head. Price quotes shall be obtained prior to purchase.

Budget Items from \$7,501-\$24,999-All Budget items requiring expenditures of \$7,501 to \$24,999 shall be reviewed and pre-approved by the Department head and the City Administrator. In the Administrator's absence the City Comptroller shall review and pre-approve such expenditures. Price quotes shall be obtained prior to purchase,

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Exemptions to obtain price quotes:

- a. Sole Source Purchases-only one known supplier is available for that item.
- b. Redundant Purchases-the purchase of a second item that is the same or substantially the same as an item that had been recently competitively bid.
- c. Replacement Purchases-the purchase of furniture, carpeting, or other fixtures to match existing fixtures.

If a Department Head believes that a purchase qualifies under these exemptions, then they must provide the City Administrator with the justification for an exemption from the competitive bidding requirement. The City Administrator or authorized designee may grant an exemption from the competitive bidding requirement if they determine that the purchase qualifies under these exemptions.

208.3 NON-BUDGETED ITEM

Any purchases that have not been provided for in the current budget or will result in exceeding the applicable budgeted expense category shall require City Council approval and the designation of the funding source or budget amendments. The department head shall notify the City Administrator and City Comptroller and provide written documentation regarding the expenditure. This information will be provided to Finance, Licensing, and Regulation Committee (FLR) for a recommendation to the Common Council for approval of the purchase.

208.4 EMERGENCY PURCHASES

A Department Head or their authorized designee is authorized to make an emergency purchase of less than \$24,999 if the failure to do so could result in a immediate and apparent loss to the City. The Department Head must notify the City Administrator of the emergency purchase at the first opportunity.

208.5 MINIMUM STATE REQUIREMENTS

All budget items for public construction, the estimated cost of which exceeds \$25,000, shall be let by contract to the lowest responsible bidder pursuant to Wis. State 62.15 and 66.0901. Also, public construction exceeds \$5,000 but is not greater than \$25,000 shall give a class 1 notice, under ch. 985 of the proposed construction before the contract for the construction is executed.

Fund Balance Policy

209.1 PURPOSE

The Fund Balance Policy of the city of Lake Geneva, Wisconsin (hereinafter referred to as the City) is intended to provide guidelines during the preparation of the annual budget to ensure that sufficient financial reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for departments and/or programs approved in the annual budget. The fund Balance Policy is established based with a long-term perspective recognizing that stated fund balance thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City to be strong fiscal position that will allow for better position to weather negative economic periods. This Fund Balance Policy applies to the City's governmental funds.

209.2 DEFINITIONS

Fund balance is the difference between assets and liabilities as reported in the basic financial statements for governmental funds only. The Governmental Accounting Standards Board (GASB) has defined the following categories for fund balances:

Non-Spendable fund balance - amounts that are not available for spending, either now or in the future, because the amount is offset by assets that are not in a spendable form and cannot be converted to cash (such as inventory and prepaid items) or are required to be maintained intact (Cemetery perpetual care fund, Library endowment fund).

Restricted fund balance - amounts are externally imposed by creditors (such as through debt covenants), grantors, contributors, laws, or regulations of other governments. The City currently restricts fund balances in the Impact Fees Fund and Public Library Fund.

Committed fund balance - amounts constrained to specific purposes by the governing body by the highest-level formal action prior to the close of the period. To be reported as committed, amounts cannot be used for any other purpose unless changed by the governing body. Commitments must be made prior to the end of the fiscal year regarding purpose; however, the amount may be determined subsequent to the fiscal year. The City currently has committed fund balances in the Equipment Replacement Fund and Impact Fees Fund.

Assigned fund balance - amounts the City intends to use for specific purpose, provided neither a restriction nor commitment is applicable. The City has created the following special revenue and capital projects funds to account for specific revenue sources:

- Parking Meter and Lots
- Lakefront Operations
- Cemetery Operations
- Tourism Commission
- Capital Improvements

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- Equipment Replacement Fund

The City's special revenue funds are included in the City's annual approved budget. New special revenue funds can be established through the City's budget process. The City also has established capital projects funds for annual capital improvements and equipment replacement. The City Council has not delegated the authority to assign fund balance to the City Administrator or other specific official. Any assignment of fund balance will be made by the the City Council.

Unassigned fund balance - consists of excess funds that have been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides necessary working capital to fund daily operations, provides the resources necessary to meet unexpected expenditures and revenue shortfalls, and assist in maintaining the City's Aa2 bond rating.

209.3 ORDER OF USE RESTRICTED AND UNRESTRICTED FUNDS

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it. When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last.

209.4 GENERAL FUND BALANCE

The General Fund, as the principal operating fund of the City, often will have net resources in excess of the commitments. A formal written policy governing the purpose and acceptable limit of the City's general fund balance is an effective financial management tool to responsibly utilized City resources to stabilize the City's mill rate and ensure the continued provision of services to residents. An adequate general fund balance provides resources to:

- Maintain sufficient working capital to finance operating expenditures without short-term borrowing for cas flow purposes.
- Temporarily finance unanticipated expenditures or unusual fluctuation in the City's revenue sources.

209.5 MINIMUM LEVEL OF UNASSIGNED FUND BALANCE

The General Fund unassigned fund balance will be maintained at a level sufficient to provide for the required resources to meet operating cost needs, to allow for unforeseen needs of an emergency nature, and to permit orderly adjustment to changes resulting from fluctuations of revenue sources.

This policy shall cover all funds primarily supported by the tax levy, excluding debt service, and capital project funds. In determining the acceptable limit of general fund balance, the City considered the following factors:

- Historical stability of the City's revenue, expenditures and mill rate.
- Timing of revenue collections in relation to payments made for operational expenditures.

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- Anticipated growth in the City's valuation and/or services to be provided to City residents.

To Maintain the City's general fund balance within the acceptable limit, the City shall strive to:

- Eliminate the budgeted use of fund balance if its use would reduce the available balance below policy minimums.
- Retain any operational surplus at the end of any fiscal year to the general fund to meet policy minimums.

Any amounts remaining in the fiscal year-end unassigned fund balance in excess of 25% of the approved subsequent year's budget can be available for appropriation by the City Council to cover such items as revenue shortfalls, unanticipated expenditures and capital expenditure items, and to ensure stable tax rates. The City Council will attempt whenever possible to avoid appropriating such funding for recurring expenses.

209.6 RESTORATION OF GENERAL FUND BALANCE

From time to time, the City's general fund balance may be depleted below the limit approved in this policy. If the general fund balance is depleted below the levels established by this policy, the City Administrator will:

- Develop a plan to restore the balances over time for City Council approval.
- Develop a plan including recommendations for rate/fee adjustments and/or expenditure reductions as may be appropriate.
- Review and update the plan on an annual basis with the City Council until the policy level guidelines are achieved.

209.7 ANNUAL REVIEW AND DETERMINATION OF FUND BALANCE AMOUNTS

Compliance with the provisions of this policy shall be reviewed as part of the annual budget adoption process and amounts of the minimum level of unassigned fund balance in the general fund shall be determined using this process. The City's fund balance policy is subject to review and change by City management and elected officials on a regular basis.

Investment Policy

210.1 PURPOSE

To establish investment objectives; to delegate authority for the execution and reporting of investments; to establish standards of prudence; to establish standards for depositories; to set and establish collateral requirements; and to identify permitted investments that conform to all state and local statutes governing the investment of public funds.

210.2 DEPARTMENT RESPONSIBLE

The city Comptroller, City Treasurer, and City Administrator are responsible for ensuring that the investing policies set by the Common Council with regard to the investment and safeguarding of public funds are met.

210.3 COMMITTEE OVERSIGHT

The Finance, Licenses and Regulations (FLR) Committee is responsible for reviewing and updating this policy as deemed necessary. The listing of authorized financial dealers and institutions shall be adopted annually by resolution at the organizational meeting of the Common Council. Final approval of all changes must be granted by the Common Council.

210.4 INVESTMENT POLICY

INVESTMENT POLICY

Relevant State Statutes: WI Stats 66.0603 on Investments and 34.01 on governing boards. Strategic Goals and Objectives met with this policy; The City's investment strategy is to earn market average rate of return as measured by the six-month U.S. Treasury bills.

- (a) **Legal** - Implementation of this policy must conform with all applicable federal, state and other legal requirements.
- (b) **Safety** - Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- (c) **Liquidity** - The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.
- (d) **Return on Investment** - The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.
- (e) **Interest Income** - Earn enough interest to meet budgeted goals for income contribution.

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210.5 INVESTMENT CONSTRAINTS

Attaining a return on investment involves investment risk. The City has considered the following types of investment risk in forming the strategies for this policy:

- (a) **Investment Rate or Market Risk** - Interest Rate Risk is defined as the risk to earning or capital resulting from adverse movements in interest rates. Longer-term, fixed-rate securities have greater interest rate risk than shorter-term securities. Market Risk is finding the price of a security unattractive because of market conditions. The City needs to diversify its investment holdings to minimize this risk.
- (b) **Liquidity Risk** - The City needs to hold investments in such a mix as to maintain standby liquidity, or the capacity to meet unanticipated cash requirements. This can be done by exchanging an asset for cash, having sufficiently liquid or short-term securities that mature in a very short time or by having quick, reliable sources of borrowing.
- (c) **Default and Custodial Credit Risk** - These risks are involved when success depends on the performance of a counterparty, issuer or borrower. These external parties can be broker/dealers or safekeeping agents and entities that borrow money, including other municipalities. Since safety is one of the top priorities, the City will choose investments that have a lower default or credit risk and requires agreements that will fully collateralize the City's assets.

210.6 INVESTMENT STRATEGIES

Authorized Investments

The investment of all City funds shall be accordance with s. 34.01 (1) and 66.0603 Wis. Stats. and consists of the following types of securities:

- (a) **Certificates of Deposit** - City funds may be invested in certificates of deposit (CDs), maturing within 36 months or less from the date of investment, issued by any bank or savings and loan association which is authorized to do business in Wisconsin and is federally insured. The financial institution must have been designated a public depository of the City by resolution of the Common Council. The City may invest in the Certificate of Deposit Account Registry Service (CDARS) program for maximum collateralization of investment, through any of the approved financial institutions that offer this program.
- (b) **Government Bonds and Securities** - City funds may be invested in United States of America government bonds or securities which are direct obligations of the federal government, where principal and interest are guaranteed by the federal government. City funds may also be invested in US Government- sponsored Enterprises (GSEs), limited to Fannie Maes (FNMA) and FreddieMacs (FRDMC) debt securities, which carry an implicit guarantee by the federal government. The maturities are to match anticipated cash flow needs. The securities must be purchased through financial institutions approved for that purpose by the Common Council, and placed in safekeeping in a segregated account in the City's name at any designated public depository or approved financial institution.

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- (c) **Government Pools** - City funds may be invested in the State of Wisconsin Local Government Investment Pool, or the League of Wisconsin Municipalities Wisconsin Investment Trust, or Wisconsin Treasurer's Trust Fund.
- (d) **Sweep Repurchase Agreements** - This agreement corresponds to a checking account where liquidity is the key attribute. It must be fully collateralized with US Government backed securities or securities held in the City's name. No substitution of securities will be allowed. The custodian shall be a party other than the trading partner. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- (e) **Municipal Money Market Accounts** - It must be fully collateralized with US Government backed securities or securities held in the City's name. No substitution of securities will be allowed. The custodian shall be a party other than the trading partner.
- (f) **Sweep Accounts (also referred to as zero balance accounts)** - The City may invest in zero balance accounts for the purpose of segregating payment activity for payroll and health and pharmaceutical claims. These are not expected to earn income but are an authorized use of funds. This may also refer to authorizing funds to be transferred between accounts within an authorized financial institution to a money market account (for example) in order to earn funds temporarily not needed.
- (g) **Checking Accounts** - The City may invest funds in a checking account, which may or may not earn interest but will facilitate the general payment activity of the City. The account must be fully collateralized with US Government backed securities or securities held in the City's name. Consideration may be given to FDIC insurance (4250,000) and the State appropriation (Stats 20.144 (1) (a) and 34.08) (\$400,000).

Prohibited Investments

Investments of City funds are limited to the investment vehicles specifically identified in this Policy. Investment of City funds is expressly prohibited in the following:

- (a) Commodity trading, including all futures contracts
- (b) Purchase of letter stock
- (c) Short selling
- (d) Option trading
- (e) Foreign securities
- (f) Collateralized mortgage obligation bonds (CMOs, MBSs, SIVs)
- (g) Bonds and securities not guaranteed by the federal government, except GSE issues

Safekeeping and Custody

All security transactions entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third-party custodian designated by the Common Council and evidenced by safekeeping receipts.

The custodial agreement shall provide that securities held by a bank or trust company, or agent of an custodian for the City, will be kept separate and apart from the general assets of the custodial

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bank and trust company and will not, in any circumstances, be commingled with or become part of the backing for any deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the City a perfected interest in the securities.

Diversification

The City will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than 25% of the City's total investment portfolio in any particular fund shall be invested in a single security type with a single financial institution. The percentage held at the LGIP may be as high as 90%.

Maximum Maturities

Investment maturities must match anticipated cash flow requirements. Unless matched to a specific cash flow or maturity, the City will not directly invest in securities maturing more than two years from the date of purchase.

Reserve funds may be invested in securities exceeding two years if the maturity of such investments are made to coincide with the expected use of the funds. Documentation must be kept of the reason for exceeding this two year limit.

Delegation of Authority

Pursuant to s. 34.01 (1) and 66.0603 Wis. Stats, the Common Council is responsible for the investment of City funds. The Common Council designates the Finance, License & Regulation Committee to recommend investment policies for Council adoption. The Mayor and Council shall direct the implementation of this adopted investment policy.

The City Administrator or their authorized designee is responsible for the implementation of the investment policies as adopted by the Common Council. The City Administrator or their authorized designee shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate employees.

The City Administrator or their authorized designee may employ the services of a Registered Investment Advisor or a Chartered Financial Advisor with prior approval of the Common Council. Said financial advisor shall be compensated based on a fee for service versus a commission basis.

The Standard of Prudence

Investments shall be made with judgment and care under circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The Standard of Prudence to be used in investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in

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accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for a individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Mayor and Finance, License & Regulation Committee any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City's portfolio. Employees and officers shall refrain from undertaking personal investment transactions similar to those of the City, particularly with regard to the time of purchase of sales.

Authorized Financial Dealers and Institutions

The Common Council shall annually, at its reorganizational meeting in April, adopt resolutions that identify financial institutions authorized to provide investment services. Resolutions shall also be adopted that identify any broker/dealers that may qualify to become bidders for City investment transactions. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C-1. No public deposit shall be made except in a qualified public depository as established by state laws. The City Comptroller shall maintain a current and historical listing of all banks and trust companies authorized for the deposit of City monies. This designation will be voted on annually at the organizational meeting of the Common Council.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the City Comptroller with the following: audited financial statements/resumes on each broker/dealer, Compliance Officer and Registered Principle; proof of National Association of Security Dealers certification, trading resolution, proof of state registration, completed broker/dealer questionnaire, certification of having read the City's investment policy and depository contracts.

A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City deposits funds.

Internal Control and Reporting

The City Administrator or their authorized designee shall establish an annual process of independent review by an external auditor. The auditor will assess internal controls and compliance with these investment policies.

The City Comptroller is charged with the responsibility of preparing monthly cash balance reports to the Common Council.

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The City Comptroller shall maintain an investment record in which all investment transactions are recorded. Said record shall include the date of purchase, purchase price, term, rate of return and all other pertinent information on each investment.

Performance Standards

The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow needs. The City's investment strategy is to earn market average rate of return. Given this conservation strategy, the basis used to determine whether market yields are being achieved shall be the six-month U.S. Treasury Bill and the average Fed Funds rate.

Scope

This investment policy applies to all financial assets of the City. These assets are accounted for in the City's General Purpose Financial Statements within the various funds:

General Fund, Special Revenue Funds, Capital Project Funds, Enterprise Funds, Agency Funds.