

CITY OF SHEBOYGAN

REQUEST FOR TRANSIT COMMISSION CONSIDERATION

ITEM DESCRIPTION: 3.2 Review of Transit Commission Ordinance

REPORT PREPARED BY: Derek Muench, Director of Transit & Parking

REPORT DATE: 5/10/23

MEETING DATE: 5/16/23

FISCAL SUMMARY:

Budget Line Item:	N/A
Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND / ANALYSIS:

The City of Sheboygan has an ordinance that outlines and governs the Sheboygan Transit Commission in Chapter 2 (Administration), Article V (Boards, Commissions and Committees), Division 5 (Transit Commission). A full copy of the ordinance is included in this report.

STAFF COMMENTS:

The Director of Transit & Parking and Transit Commission Chair are requesting an administrative review of the Transit Commission ordinance. This review includes but is not limited to:

- Identifying outdated or old information;
- Verifying current responsibilities of the Commission;
- Composition of Commission members;
- Capital Acquisition and Disposal;

The Director of Transit & Parking has concerns over the composition of the Transit Commission as it relates to other Department Heads (equals) and potential conflict of interest when it comes to personnel-related items concerning the Director of Transit & Parking. The Director of Transit & Parking suggests and recommends replacing City Staff with vested partners on the Transit Commission. City Staff including current department heads on the Transit Commission can and should continue to be a vital part of transit and parking in an advisory role (similar to their role related to the City's standing committees).

The Director of Transit & Parking also suggests the Transit Commission have stakeholders and partners active on the Commission. These would include individuals from the Sheboygan Area School District, the disabled community, the elderly community, City of Sheboygan Falls, and or Village of

Kohler. These stakeholders contribute financially to the operations of Shoreline Metro and can be a valuable asset to the Commission.

Chairperson Heather Cleveland also invites commissioners to review the ordinance and make recommendations and suggestions for consideration at the next Transit Commission meeting.

****NOTE****

Changes to the Transit Commission ordinance would only be recommendations with any final approvals and language changes being subject to additional approvals by the City Attorney and/or Mayor of Sheboygan and the Common Council.

Here is the Transit Commission ordinance for review:

- **Sec. 2-556. - Definitions.**

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

Comprehensive unified local transportation system means a transportation system comprised of motorbus lines in which the major portions are within the city.

Off-street parking facilities means any and all city-owned parking lots, garages, buildings and other structures for the public parking of vehicles for which fees or other charges are fixed, other than facilities for such public parking on the public streets in the city, including all meters, machinery or devices for obtaining revenues for such parking and all other equipment and accessories used in connection therewith.

On-street parking facilities means any and all existing spaces provided for the public parking of vehicles in and upon the public streets of the city for which fees or other charges are fixed, established and collected by means of parking meters or other machinery, devices or methods, including all such facilities provided by the public parking and transit utility and including all meters and other equipment or devices located adjacent to such spaces for the purpose of collecting such fees or charges.

Transit commission or commission means the local transit commission created under this division. (Code 1975, § 2-264)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 2-557. - Established; responsibilities.**

The city establishes a transit commission pursuant to Wis. Stats., § 66.1021, which shall be designated the "Sheboygan Transit Commission." Such commission shall be responsible for the maintenance and operation of the city's comprehensive, unified local transportation system in accordance with the jurisdiction, powers and duties set forth in Wis. Stats. § 66.1021. Additionally, such commission shall maintain, operate and control all off-street parking facilities and on-street parking facilities, under the general control and supervision of the common council.

(Code 1975, § 2-263; Ord. No. 66-00-01, § 4, 10-2-00)

State Law reference— Authority regarding parking systems, Wis. Stats., § 66.0829.

- **Sec. 2-558. - Composition; appointment; terms.**

a) The transit commission shall consist of nine commissioners. Six of the members shall be the mayor, a member of the finance and personnel committee of the common council, a member of the licensing, hearings, and public safety committee of the common council, a member of the public works committee of the common council, the chief of police and the director of city development, who shall be members by virtue of their office. The other commissioners shall be three citizen members.

(b) The three citizen members shall be appointed by the mayor and approved by the common council.

(c) The citizen members of the commission shall be appointed for staggered three-year terms expiring on April 30 each year.

(d) The mayor, the chief of police and the director of city development may designate another member of their respective department to attend a meeting or meetings of the transit commission in his or her absence with full power to act in his or her stead.

(Code 1975, § 2-265; Ord. No. 1-99-00, § 2, 5-3-99; Ord. No. 13-00-01, § 1, 6-19-2000; Ord. No. 106-05-06, § 1, 4-17-06; Ord. No. 39-16-17, § 7, 4-5-17; Ord. No. 37-17-18, § 3, 2-19-18)

- **Sec. 2-559. - Eligibility.**

No person who holds stocks or bonds in any corporation subject to the jurisdiction of the transit commission or who is in any other manner directly or indirectly peculiarly interested in any such corporation shall be a member of or employed by the transit commission.

(Code 1975, § 2-266)

- **Sec. 2-560. - Officers.**

(a) At its first meeting in May of each year, the transit commission shall choose from among its number a chairman, who shall serve in such capacity for the succeeding year.

(b) The transit commission may appoint a secretary and employ such accountants, engineers, experts, inspectors, clerks and other employees and fix their compensation and may purchase such furniture, stationery and other supplies and materials as are reasonably necessary to enable it properly to perform its duties and exercise its powers.

(Code 1975, § 2-267)

- **Sec. 2-561. - Rules; meetings; seal.**

(a) The transit commission may adopt rules relative to the calling, holding and conduct of its meetings; the transaction of its business; the regulation and control of its agents and employees; the filing of complaints and petitions; and the service of notices thereof and conduct hearings.

(b) For the purpose of receiving, considering and acting upon any complaints or applications which may be presented to it or for the purpose of conducting investigations or hearings on its own motion, the transit commission shall hold regular meetings at least once a week, except in the months of July and August in each year, and special meetings on the call of the chairman or at the request of the city council.

(c) The transit commission may adopt a seal, of which judicial notice shall be taken in all courts of this state. Any process, writ, notice or other instrument which the commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of the commission and

authenticated by such seal. All acts, orders, decisions, rules and records of the commission and all reports, schedules and documents filed with the commission may be proven in any court in this state by a copy thereof certified by the secretary under the seal of the commission.
(Code 1975, § 2-268)

- **Sec. 2-562. - Jurisdiction.**

Except as further provided in this division, the jurisdiction, powers and duties of the transit commission shall extend to the comprehensive unified local transportation system for which the commission is established, including any portion of such system extending into adjacent or suburban territory within this state lying outside of the city not more than 30 miles from the nearest point marking the corporate limits of the city.
(Code 1975, § 2-269)

- **Sec. 2-563. - Fiscal control.**

Unless otherwise authorized by the transit commission, all books of accounts shall be kept in the office of the city finance director/treasurer. All transit commission expenditures shall be audited by the commission, and, if approved by the commission, shall be paid by the city in the manner provided by ordinance.
(Code 1975, § 2-270)

- **Sec. 2-564. - Parking fees and charges.**

The transit commission shall establish such fees and charges for the parking privilege on both off-street and on-street parking facilities as it shall determine reasonable. Such fees may be based either on hourly, daily, weekly or monthly parking and may be measured either by personal attendants or by parking meters.
(Code 1975, § 2-271)

- **Sec. 2-565. - Acquisition of property.**

The transit commission or an agent appointed by it shall have the power to obtain options on properties for parking purposes and submit them with recommendations to the common council. The commission is empowered to proceed with purchase when specifically authorized to do so by the common council. The commission may construct parking structures or additions thereto with the approval of the common council.
(Code 1975, § 2-272)

- **Sec. 2-566. - Revenue bonds.**

The transit commission, subject to approval by the common council, shall have the authority to issue mortgage revenue bonds for any of the purposes enumerated in Wis. Stats., § 66.0829. Such statute, insofar as applicable, is adopted by reference.
(Code 1975, § 2-273; Ord. No. 66-00-01, § 5, 10-2-00)

- **Sec. 2-567. - Revenues.**

All revenues from the transit commission, exclusive of fines and forfeited bonds for violation of parking regulations, shall be deposited by the commission in a separate account to be known and designated as the parking transit commission fund and shall be used as necessary only to:

- (1) Pay the cost and expense of acquiring, installing, servicing, operating, improving and maintaining the transit commission property and equipment.
- (2) Pay the administrative costs of the commission.
- (3) Pay interest, principal and charges incidental to and arising out of the issuing of bonds or other evidences of indebtedness of the commission to provide for transit commission property or facilities.
- (4) Build a proper and adequate depreciation reserve.
- (5) Purchase, from the proceeds of surplus funds, trust investments earmarked for transit commission purposes.

(Code 1975, § 2-274)

- **Secs. 2-568—2-595. - Reserved.**

ACTION REQUESTED:

No action to be taken on this item.

ATTACHMENTS:

- I. None.