



Wauwatosa, WI

Government Affairs Committee

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, November 14, 2023

6:30 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/82923188685>,
Meeting ID: 829 2318 8685

Regular Meeting

HYBRID MEETING INFORMATION

Members of the public may observe and participate in the meeting in-person or via Zoom at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

UNFINISHED BUSINESS

1. Proposal from Alderpersons Morgan and Fuerst to modify adopted Flag Policy [23-879](#)

GOVERNMENT AFFAIRS COMMITTEE ITEMS

1. Commission for Persons with Disabilities Annual Report [23-404](#)
2. Request by Commission for Persons with Disabilities to fly the National Disability Flag on December 4, 2023 in honor of National Person with Disabilities Day [23-919](#)
3. Staff updates regarding current legislative items of interest to the City of Wauwatosa [23-946](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-879

Agenda Date: 11/14/2023

Agenda #: 1.

Proposal from Alderpersons Morgan and Fuerst to modify adopted Flag Policy

Submitted by:

Mike Morgan
Amanda Fuerst

Department:

Alderpersons District 7

A. Background/Rationale

The City should consider revising the City Flag Policy, adopted in July, 2022, as it relates to global and international flags due to recent issues and events.

B. Key Issues for Consideration

This policy change would exclude flags of individual nations, other than the United States, from being flown on City flagpoles. This would be accomplished by adding to the exclusions listed in the Flag Policy under the section titled "Alternative or Additional Flags".

The list of exclusions listed in the Flag Policy under the section titled "Alternative or Additional Flags" would be amended to add an item number 6:

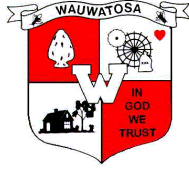
"6. Flags representing individual nations, other than the United States of America, which are presently involved in or associated with a specific or ongoing geopolitical event."

C. Fiscal Impact

Possible savings on future flag purchases

D. Requested Action

Draft appropriate policy amendment language and forward to the Common Council for approval.



ALDERPERSON AGENDA ITEM MEMO

To: Ald. O' Reilly, Jim Archambo, Alan Kesner, Steve Braatz

From: Alderpersons Michael Morgan and Amanda Fuerst

Date: 10/25/23

Subject: Flag Policy Amendment

A. Background/Rationale

With the recent adoption of the 2022 Wauwatosa Flag Policy after the Boston supreme court ruling, seeking an amendment to restrict use of the city flagpole for support of nations experiencing a geopolitical event in order to focus city and council efforts on municipal efforts and not unintentionally create tension and debate within the community on which sides of global conflicts we are going to align with.

B. Key Issues for Consideration

C. Fiscal Impact

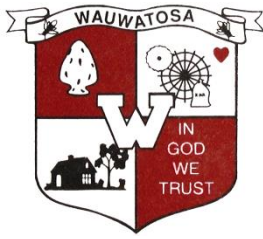
None

D. Requested Action

The exclusions listed in the Flag Policy under the section titled 'Alternative or Additional Flags' would be amended to add an item number 6:

6. Flags representing individual nations, other than the United States of America, which are presently involved in or associated with a specific or ongoing geopolitical event.

E. Attachments



CITY OF WAUWATOSA FLAG POLICY

Scope: This policy shall control the display of flags on flagpoles owned by the City of Wauwatosa and located on City-owned or controlled property within the City of Wauwatosa, Wisconsin.

Overview: Flags are a powerful symbol of the ideals a community aspires to achieve and messages it wishes to communicate. This policy aims to define which flags may be flown on the City flagpoles, and define a process by which flags other than those of the United States of America, the State of Wisconsin, and the City of Wauwatosa, may be flown on City flagpoles to express the City government's public-facing messages.

Purpose: The purpose of flagpoles is for the City of Wauwatosa, upon direction of its Common Council, to express and display its viewpoints to the wider world. These viewpoints include continued support for the laws and constitution of the United States of America, by display of the United States flag, the Wisconsin State flag, the City of Wauwatosa flag, or flags expressing other relevant messages as directed by the Common Council of the City of Wauwatosa through implementation of the following policy. This policy shall ensure that all flags on City flagpoles are flown appropriately and in accordance with etiquette set forth in the U.S. Flag Code. Additionally, use of City flagpoles and the messaging thereon is intended to be consistent with the doctrine of "government speech" as part of current First Amendment jurisprudence.

City Flagpoles: Most flagpoles owned and controlled by the City are single poles which exist at or near facilities owned and controlled by the City of Wauwatosa. In addition, there is a single three-pole installation located within Hart Park in the stadium area adjacent to the southwest corner of the track. The grouping consists of 30', 25', and 20' poles arranged in descending order from East to West (The 30' pole at this location is illuminated by a spot light located on the roof of the parks administration building).

Standard US Flag Protocol: All U.S. Flags shall be flown in accordance with applicable State and Federal Laws, particularly the provisions of Title 4 Section 1 through 10 of the United States Code, the "Flag Code".

It will be the responsibility of the Parks and Greenspace Manager, under the Direction of the Director of Public Works, to ensure the appropriate flag protocol is followed.

In particular, the following procedures shall be observed:

1. The U.S. Flag shall be flown only during daylight hours, unless properly lit.
3. The U.S. Flag shall be flown at full mast unless otherwise indicated by this policy.
4. The U.S. Flag shall, at a minimum, be flown on all Federal and State Holidays and should be flown on all days except for those with inclement weather.
5. No flag shall be flown higher or with greater prominence than the U.S. Flag.

Half Staff: U.S. Flags shall be flown at half-staff under the following conditions:

1. When so ordered by the Federal Government or President of the United States.
2. When so ordered by the State Government or the Governor of the State of Wisconsin.

POW-MIA Flag: The POW-MIA flag, by order of the U.S. Congress, should be prominently displayed on the following national observances in lieu of the City of Wauwatosa flag, where such flag would otherwise be present:

1. Armed Forces Day on the third Saturday of May
2. Memorial Day on the last Monday in May
3. Flag Day on June 14th
4. Independence Day on July 4th
5. POW-MIA Recognition Day on the third Friday of September
6. Veterans Day on November 11th

When flown on a single pole, the POW-MIA flag should fly immediately below the U.S. flag. When flown as part of the three-pole set of flagpoles, the order of precedence shall be the U.S. flag, POW-MIA flag, State of Wisconsin flag.

Permissible Flags: The following flags are permitted to be flown on City flagpoles in accordance with this policy, at the direction of the Mayor of the City of Wauwatosa or the Director of Public Works:

1. The United States flag
2. The Wisconsin state flag
3. The City of Wauwatosa flag
4. City departmental flags adopted by the Common Council
5. The POW-MIA flag
6. The United Nations flag (per 1976 citywide referendum)
7. The Tree City USA flag
8. The Bird City Wisconsin flag

Alternative or Additional Flags: Flags not specifically identified in this policy may be flown on City flagpoles only by resolution of the Common Council of the City of Wauwatosa. The Common Council may approve flags which express views supported by the government of the City of Wauwatosa and which do not violate other constitutional obligations of the City government. Such additional flags may not express the following messages:

1. Support of political parties or candidates for local, state or federal office, or flags associated with partisan political campaigns and messaging;
2. Messages associated with advertising or marketing of corporate or for-profit organizations not associated with specific city activities;
3. Religious messaging which would implicate the Establishment Clause of the United States constitution;
4. Content which would violate one or more city policies, including but not limited to conflicts of interest, discrimination against one or more groups of individuals, or expressions of violence; and
5. Messages which are inconsistent with the adopted vision and mission of the City of Wauwatosa.

No alternative or additional flag shall be approved or flown if, in the opinion of the City Attorney, it would tend to make a City flagpole a “public forum” as defined in *Shurtleff v. City of Boston*, 526 U.S. ____ (2022).

Wauwatosa Commission for Persons with Disabilities

Accomplishments 2022-23

A. Education

- 1. The Wauwatosa Commission has been working with Special Education Director, Stacy Klemm, who attends our Commission Meetings on a monthly basis, to develop policies, procedures and methods to better accommodate individuals with disabilities and special needs in the Wauwatosa School District. We provided comment regarding the results for the special education audit. We also consulted with Luke Pinion from Wauwatosa Schools.**
- 2. The Commission met with Laura Geisler regarding the new security and accessibility features for Wauwatosa School Buildings. We heard about this new system and made comment on how to improve it for people with disabilities.**
- 3. The commission met with Police Chief MacGillis regarding the use of School Resource Officers.**
- 4. Several members of the Commission regularly attend school board meetings. We provide information and feedback about accessibility and special education topics. We learned a great deal from others at all the sessions, which will improve the scope of our advocacy going forward.**
- 5. Members of our commission participated in the Wauwatosa PTA Council Resource Fair at Underwood School on April 19, 2023. This event showcased resources for people with different disabilities along with activities to use mobility equipment and simulate various disabilities. We distributed brochures, provided information on our services and meeting access as well as answering individual questions. We also introduced ourselves to other service providers to expand our resource network.**

B. Housing

- 1. We continue to be a partner and work with the Wauwatosa Housing Collaboration (Senior Commission, Tosa Together and Diversity and Inclusion Commission).**
- 2. We continue to work with the developers of the Cornerstone Village AbleLight Project. These developers are working to make this project more affordable and accessible to people with disabilities, especially for people with low incomes.**
- 3. Members of our Commission provided comments to Friedman and Associates as they have conducted a Housing Study.**
- 4. We provided comment on the Zone Tosa for All report recommendations.**
- 5. Members of our commission participated in a focus group with the consultants for the Comprehensive Plan. Our commission conducted a focus group for the Comprehensive Plan at our September meeting. The focus is to address the need for affordable, accessible housing.**
- 6. Commission members met with Karl Schreiber to learn more about the Wauwatosa Home Rehabilitation Program so that we can share this information with citizens.**

C. Wauwatosa Zoning Issues

We have worked on developing a housing disability accommodation process for individuals with disabilities. We have been approached by families this year and last year, who have had difficulties getting zoning accommodations which would help make their properties accessible. The Commission has worked to develop and support amendments to the Municipal Code related to accessibility with zoning and zoning appeals.

D. Employment

We continue to work with the Wauwatosa School District on a project to increase employment and internship opportunities for students and people with disabilities.

E. Recreation

- 1. Members advocated on behalf of marginalized people for the new park on 116th Street to be created with ARPA funds. This group will be a resource, and will advocate to ensure Wauwatosa parks, facilities and green spaces are accessible to all.**
- 2. The Commission participated in the July 4th Parade including the debut of International Disability Flag. The flag was made and purchased from Flag Center, a Wauwatosa business. Accessories to allow the flag to be carried or displayed on a stand were purchased for maximum usability. This flag was officially recognized by the United Nations in 2017 and is meant for general use, particularly at disability-centered events such as the International Day of Persons with Disabilities (December 3).**



F. Health Department

- 1. We continue to work with the Health Department on the Association for Retired Persons Age Friendly Tosa Project to make Wauwatosa a healthier, more walkable inclusive community.**
- 2. We continue to work with the Wauwatosa Health Department on developing and implementing the Community Health Improvement Plan.**

G. Civic Engagement

- 1. Members of our commission participated in the Tosa Spring Resource Fair on April 22, 2023 at Wauwatosa Baptist Church. We designed and printed information brochures and commissioned a formal tabletop sign for our display. Leftover brochures were distributed at the PTA Resource Fair and other events. The remainder were placed at the resource table in the Wauwatosa Library and at both Senior Center locations.**
- 2. One commission member serves as a member of the Equity and Inclusion Commission. She represents persons with disabilities as the E & I commission engages with the Wauwatosa community.**
- 3. One commission member continues with Tosa Together working with the school district on inclusion and issues of concern reported in recent studies. This member provides input to this group which will have a positive impact on programming for people with disabilities of all ethnicities and walks of life.**
- 4. Members of our commission participated in the ADA celebration and groundbreaking at the new Ability Center Park on Wisconsin Ave on July 26th.**
- 5. The commission maintains an email address and Facebook page to inform citizens of relevant events and topics. We also respond to inquiries and requests for help with disability related issues.**
- 6. Members of the commission advocated successfully for the International Disability Flag to be flown at city hall on the week of July 24th in recognition of the 33rd anniversary of the ADA.**
- 7. Our commission learned about Project Lifesaver and Kits for Kids from Laura Laurischke with the Wauwatosa Police Dept.**
- 8. Supported selection of a book (One, Two, Three) with characters who have disabilities for Neighborhood Association Council's Tosa's All City Read. Attended various events in support of the book and its topics.**

- 9. Requested and obtained permission to fly the Disability Flag on the city hall flagpole the week of July 24-28 in honor of the 33rd Anniversary of the passing of the Americans with Disabilities Act and subsequent amendments. Mayor McBride issued a proclamation to recognize the event and the day. The flag raising ceremony was covered by TMJ4 and aired on their popular Milwaukee Tonight program. The Milwaukee Journal Sentinel published an extensive article with photos of the flag, Mayor McBride and state representative Robyn Vining. Members of the Common Council and others attended the ceremony.**
- 10. Staffed a table at the Wauwatosa Senior Wellness Fair with our brochures and resource information on various disabilities. The International Disability Flag was displayed on a stand behind our table.**

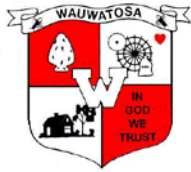
H. Voting

One member of the commission meets regularly with the city clerk to address issues of polling place accessibility.

Goals for 2024

- A. While our Commission has gained greater visibility, we seek to become better known to the community at large as a resource for information. We also seek to be an active resource for city staff and groups as they draft the Comprehensive Plan and projects that arise from it.**
- B. We will continue to work with the Parks and Forestry, serving as advocates, supporters, resources, and active members of project teams.**
- C. We will continue to advocate for the development of housing that is accessible, affordable and available for people with disabilities.**
- D. The Commission is committed to continuing review and amendment of the Municipal Code to address the needs of people living with disabilities in Wauwatosa.**
- E. Continue to work with the Wauwatosa School District to help it foster more inclusion and equity for persons with disabilities.**
- F. The commission is working to develop a community-wide disability awareness event, featuring the film, “Crip Camp”. This film was created to educate the public to become more disability aware and features some leaders from the American disability community. We will also assist the school district in obtaining permission to show this film on a yearly basis and to incorporate it into the high school curriculum.**
- G. Our committee is putting together suggestions for the common council regarding guidelines on fireworks displays and has been asked to participate in Civic Celebration Commission meetings to ensure accessibility at all events they plan.**
- H. Work with city website designers on new city website to ensure latest accessibility guidelines are followed and create a web page with information on our commission.**
- I. Advocate for accessibility features in pending city projects such as renovation of the Muellner Building, City Hall/Library renovations, North Avenue project, and Mayfair/Boston Store development.**

- J. Work with city officials and staff to increase communication with commission to fulfill our role as a resource for people with disabilities. This is to support the city's strategic plan goals of diversity and inclusion as well as encourage and grow tourism for all people.**
- K. Initiate a relationship with the Tourism Commission to help attract visitors to our city. This includes groups as well as individuals. Organizations seeking event venues are increasingly requesting full accessibility for all types of disabilities. Our commission can provide information and resources to meet this demand.**
- L. Develop a community awareness campaign to educate people about disability issues and challenges of living with disabilities.**
- M. Participate in Tosa Night Out to expand accessibility at the event and further our education campaign.**
- N. Create a Disabilities Resource Page on the city website under the Health Department to complement the Seniors Resource Page.**
- O. Establish a relationship with state-level entities advocating for people with disabilities to provide local-level information and learn from their initiatives.**
- P. Establish a relationship with county, state and federal elected officials to serve as a resource for disability issues.**
- Q. Work with the City Clerk, staff, Chief Inspectors and poll workers to document questions and concerns related to accessibility of voting overall and challenges at specific polling locations.**



ALDERPERSON AGENDA ITEM MEMO

To: Government Affairs Committee, Steven Braatz & James Archambo

From: Alderperson Joseph Makhoul II & Commission for Persons with Disabilities

Date: 11/2/23

Subject: Flying the National Disability Flag in honor of National Person with Disabilities Day

- A. Background/Rationale** The Commission for Persons with Disabilities recently acquired a National Disability Flag which they displayed during the 4th of July parade and most recently flew at City Hall in recognition of the 33rd Anniversary of the passage of the American's with Disabilities Act. And whereas Sunday December 3rd is the International Day of Persons with Disabilities, the Commission is therefore requesting permission to once again fly the disability flag at City Hall on Monday December 4th in honor of that day.
- B. Key Issues for Consideration:** Regulations require full Common Council approval to fly any flag not on the list of approved flags.
- C. Fiscal Impact:** Minimal, just a few minutes of staff time to raise the flag in the morning and then take it down at the end of the business day.
- D. Requested Action:** Request that item be placed on the next available Government Affairs Committee agenda for its approval to be followed with placement on the next subsequent Common Council meeting agenda for final approval as is required.
- E. Attachments**