



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **COMMITTEE OF THE WHOLE**
Date/Time: **Tuesday, October 11, 2016 at 6:00 pm**
Location: City Hall (407 Grant Street) - Council Chambers
Members: Patrick Peckham, Romey Wagner, David Nutting, Tom Neal, Gary Gisselman, Rebecca McElhaney, Lisa Rasmussen (C), Karen Kellbach, Joe Gehin, Sherry Abitz, Dennis Smith, and Mayor Robert Mielke

AGENDA ITEMS FOR CONSIDERATION/DISCUSSION

- 1) Discussion and Possible Action regarding enactment of a Council Code of Conduct by ordinance, policy or a combination.

Lisa Rasmussen
Council President

IMPORTANT: SEVEN (7) MEMBERS NEEDED FOR A QUORUM: If you are unable to attend the meeting, please notify Mary by calling (715)261-6621 or via email mgoede@mail.ci.wausau.wi.us

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 10/07/2016 @ 3:00 pm

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

Other Distribution: Media, Department Heads, Public Access



Office of the City Attorney

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

TO: Mayor Robert B. Mielke
Members of the Common Council

FROM: Anne Jacobson, City Attorney *aj*

RE: Common Council Code of Conduct

DATE: October 3, 2016

On September 1, 2015, then Council President Robert Mielke requested creation of an ordinance regarding Council rules governing conduct/behavior. A discussion with staff occurred on November 12, 2015, and was not revisited on December 17, 2015, as planned.

The Committee of the Whole will meet first on October 11, 2016, to discuss implementation of a policy and/or ordinance amendment addressing the rules by which the body will govern itself, that are not already addressed in current code.

Currently, Chapter 2.16 of the Wausau Municipal Code contains the Standing Rules of the Common Council, and by a recorded vote of two-thirds (2/3) of all the members of the council (8), these rules or any part of them may be amended.

Chapter 2.03 is entitled, Code of Ethics for Public Officials and Employees. Section 2.03.030 lists the standards of conduct by which public officials and employees must abide. The chapter contains the creation of a Board to investigate and hear complaints, and upon a recommendation from the board that an officer be censured, suspended or removed from office, the appropriate appointing authority or common council, may proceed in accordance with procedures outlined in the municipal code and/or state statutes. A majority vote (6) would be required to amend any portion of this Chapter.

Ordinances have the force and effect of law on the local level. They are reviewed for legal defensibility when enacted and can be enforced through the mechanism provided in the ordinance, and penalties assessed. Examples from other municipalities which have enacted ordinances, include:

- DePere, Sec. 6-9. Council judge of its members. (establishes penalties for unnecessary absences)
- Oconomowoc, Ordinance 12-0828 (establishes penalties for disseminating closed session information)

Our Council does not currently have a separately adopted policy, addressing those items of interest to this current Council:

- Civility
- Decorum
- Honor Role of Chair
- Attendance
- Conduct toward Officials
- Confidentiality

Examples from other municipalities which have adopted policies addressing these subjects, include:

- Milwaukee Common Council Procedure and Rules
- Manitowoc - unexcused absences
- Janesville - conduct, confidentiality
- Green Bay Code of Conduct for Elected Officials

It is left to the sound discretion of the Council to decide which topics to address and regulate and by what means you, as a body, will seek to regulate - by ordinance or by policy or by a combination thereof - your individual conduct as a member of this body.

The draft Code attached is modeled after the City of Green Bay Code of Conduct for Elected Officials. In Green Bay, violations of the Code are referred to the Ethics Board for processing complaints filed with the Clerk. Their policy makes references to various provisions of their ordinances. The Council could empower the Ethics Board to hear such complaints, or elect to specifically adopt those disciplinary procedures spelled out in Chapter XX of the 11th edition of Robert's Rules of Order Newly Revised (already adopted by the Council Rules at 2.16 WMC). The Council has the "ultimate right to make and enforce its own rules, and to require that its members refrain from conduct injurious to the organization or its purposes." For this reason, it may want to create its own enforcement procedure, as no member of the body is seated on the Ethics Board.

Penalties for proven violation(s) of the enactment(s) of the Council can include censure, forfeiture, suspension, or expulsion.

I have provided both draft policy and draft ordinance amendments for your review and discussion. I expect as you begin to discuss this topic, and how and what conduct you wish to regulate, that it will require more than a one hour discussion before a recommendation can be made to the Common Council. Please consider these drafts a point of beginning for your discussions.

ALJ
Enclosures

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CITY OF WAUSAU, WISCONSIN

WORKING DRAFT

PROPOSED CODE OF CONDUCT FOR

ELECTED OFFICIALS

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CODE OF CONDUCT FOR ELECTED OFFICIALS

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SECTION 1: The City of Wausau Code of Conduct

It is the policy of the City of Wausau to uphold, promote, and demand the highest standards of ethics from its elected officials. Accordingly, members of the Common Council and Mayor shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or authority improperly or for personal gain.

The City of Wausau and its elected officials share a commitment to ethical conduct and service to the City of Wausau. This Code has been created to ensure that all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Wausau, and with all other private and governmental entities.

SECTION 2: Elected Official Conduct with One Another

The Common Council and Mayor (hereinafter the “Council”) have a responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial while others are destructive. The Council has the responsibility to take the high road on Intra-Council conduct and to treat other Council members as they would like to be treated.

The Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and the Council must recognize that certain behavior is counterproductive, while other behavior will lead to success.

A. Use Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every Council member has the right to an individual opinion, which should be respected by the other Council members. Council members shall not be hostile, degrading, or defamatory when debating a contentious issue. Council members should assume the other members of the Council have the appropriate motives and interest of the public in mind and should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.

However, this does not allow Council members to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. Shouting or physical actions that could be construed as threatening or demeaning will not be ~~accepted~~ tolerated. If a Council member is personally offended by the remarks of another Council member, the offended member should make a note of the actual words used and

call for a “point of personal privilege” that challenges the other Council member to justify or apologize for the language used.

B. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, to keep the comments of Council members on track during Council meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor’s actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council meetings, are vested in the Committee Chair for Committee meetings.

SECTION 3: Elected Official Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials who set policy and the City staff who implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

A. Treat all Staff as Professionals

Council members should treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Council members should refer to staff by their title followed by the individual’s last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Council members shall never demean or personally attack an employee regarding the employee’s job performance in public. All employee performance issues shall be forwarded to the employee’s supervisor or the City Attorney through private correspondence or conversation.

C. Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Council, nor any of its members, shall attempt to supersede the administration’s powers and duties. Neither the Council nor any member thereof shall give orders to any subordinate of the Department Heads, either publicly or privately. Council members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council or any committee of the Council, about any matter which may appear on their agenda for discussion and/or consideration, including, but limited to, personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits.

Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the Department Heads anything pertaining to City affairs or the interests of the City.

D. Do not Solicit Political Support from Staff

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures) from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed City employees shall not be used in political ads.

SECTION 4: Elected Official Conduct Toward the Public

In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Council members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

A. Be welcoming to Speakers and Treat them with Care and Respect

For many citizens, speaking in front of Council is a new and difficult experience. Under such circumstances, many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Mayor will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes, with applicants and appellants or their designated representative allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no additional public testimony will be accepted unless the Council reopens the public hearing for a limited and specific purpose.

C. Ask for Clarification, but Avoid Debate and Argument with the Public

Only the Mayor, not other Council members, should interrupt a speaker during a presentation. However, other Council members may ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing. Questions directed by Council members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

D. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor or Committee Chair, subject to the appeal of the full Council or Committee per Roberts Rules of Order.

Outside Public Meetings

E. Make no Promise on Behalf of the City or Council in Unofficial Settings.

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific Council action or promises that City staff will take some specific actions shall be avoided.

Council members must ensure that in expressing their own opinions they do not mislead any listener into believing that their individual opinion is that of the entire Council, unless the Council has taken a vote on that issue and the Council member's opinion is the same as the decision made by the Council. Likewise, no Council member should state in writing that Council member's position in a way that implies it is the position of the entire City Council. A Council member has the right to state a personal opinion, and has the right to indicate that he/she is stating such as a member of the Council, but must always clarify that he/she is not speaking on behalf of the City or the Council unless authorized by the Council to do so.

SECTION 5: Elected Official Conduct with Public Agencies

A. Be Clear about Representing the City or Personal Interests

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether his or her statement reflects personal opinion or is the official stance of the City.

Council members must inform the Council of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual Council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a Council member upon any action that has bearing upon the conflicting issue.

B. Representation of the City on Intergovernmental Commissions and Other Outside Entities

Council members serving on committees or boards as a City representative for outside entities or agencies shall properly communicate with other Council members on issues pertinent to the City.

SECTION 6: Elected Official Conduct with Boards and Commissions

A. Limit Contact with Board and Commission Members to Questions of Clarification

Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer for personal gain. Council members may contact Board or Commission members in order to clarify a position taken by the Board or Commission or a member thereof. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

B. Attendance at Board or Commission Meetings

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process.

C. Be respectful of Diverse Opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members must be fair and respectful to all citizens serving on Boards and Commissions.

SECTION 7: Elected Official Conduct with the Media

A. Expression of Positions on Issue

When communicating with the media, Council members should clearly differentiate between personal opinions and the official position of the City. Each Council member represents one vote of twelve and until a vote on any issue is taken, Council members' positions are merely their own.

B. Discussions Regarding City Staff

Council members should not discuss personnel issues or other matters regarding individual City staff in the media. Any inquiries of a personnel nature pertaining to City staff should be directed to the Department Head or Human Resources Director or City Attorney.

SECTION 8: Enforcement of this Code of Conduct

A. Filing of Complaints

Any person who believes an Elected official, in his/her official capacity, has violated a requirement, prohibition, or guideline set out herein may file a sworn complaint with the City Clerk identifying (1) the complainant's name, address and contact information; (2) the name and position of the City official who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of the Code allegedly violated, and (4) a statement of

facts constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

Attached to the complaint the person making the complaint shall provide all documents or other materials in the complainant's possession that are relevant to the allegation, a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and a list of witnesses, what they may know, and information to contact those witnesses.

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Code." If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. The notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the body designated by the Common Council for the investigation of such complaint. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency.

A. Time for Filing

A complaint under the Code must be filed no later than one year from the date of discovery of the alleged violation. However, anyone having information on which a complaint is based is encouraged to file the complaint as soon as the information is obtained so that immediate action may be taken by the Council or the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

B. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing a complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury. A City official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

C. Complaint Procedure for Alleged Conduct Violations

- (1) Hearing on Complaint- If the City Clerk determines that the complaint is complete he/she shall forward it to a standing or special committee on discipline, designated by the Common Council, for: 1) confidential investigation into the facts; 2) a report of the investigating committee, either not recommending or recommending referral of charges, and adoption of resolutions ordering

trial before the committee or full Council in executive session; 3) formal notification to the accused; 4) hearing the charges against the accused; and 5) reporting its recommended disciplinary measures to the full Council for consideration and possible action. An accused elected officer must be found guilty of a charge before a penalty can be imposed.

The Chair of such committee shall issue a summons signed by the City Clerk, commanding the officer so complained of to appear before the committee on a day and at a place named in such summons and show cause as to why such officer should not be subject to penalties and sanctions. Such summons shall be accompanied by specified charges.

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- (2) Failure to Respond to Summons - If the officer charged does not appear as required by the summons, the committee may consider such failure to appear in its recommendation to the Common Council. The Common Council may subsequently consider such failure to appear in its decision to issue penalties or sanctions.
- (3) Parties Counsel – If the person charged appears as required by the summons and denies the complaint, both the complainant and the person charged may produce witnesses, cross examine witnesses, and be represented by counsel. The person charged shall be provided a written transcript of the hearing at his or her expense.
- (4) Recommendations – At the conclusion of the hearing before the committee, presided over by its Chair, selected from among its members, and following deliberation in open or executive session, the committee shall submit a report to the Council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the Council should take with respect to the officer charged. The committee shall provide the complainant and the officer charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection the Common Council.
- (5) Council Action – The Council shall determine whether the arguments shall be presented orally, in writing, or both. The Council shall consider and take action on the recommendation of the committee within 60 days after the committee adjourns the hearing. Upon review of the report and following a discussion, if the Council, by motion, concludes that there a violation of this code has occurred, the Council may impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation made by the committee.
- (6) Penalties and Sanctions Policy - It is the intent of the Council to educate and, when necessary, discipline Council members who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that the progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.
- (7) Possible Penalties and Sanctions- Possible sanctions may include:
 - a. An informal censure by the Council, which would only be made as part of a motion in a public meeting.-[Wis. Stat. 62.11(3)(e)]
 - b. A formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper.-[Wis. Stat. 62.11(3)(e)]
 - c. Mandatory community service. [Wis. Stat. 62.11(3)(e)]

- d. Attendance at counseling or mediation sessions. [Wis. Stat. 62.11(3)(e)]
- e. Imposition of a dollar fine of up to \$500.00. [Wis. Stat. 62.11(3)(a) & (c)]
- f. Any other sanction available by law.

The imposition of any of these penalties or sanctions will require an affirmative vote of 3/4 of the Council, other than an informal or formal censure which shall only require a majority vote of the Council. A violation of the penalties imposed by Council may constitute grounds for removal from office under Wisconsin Statute §17.12(1)(a).

- (8) **Notice - The municipal clerk shall give notice of the Council's decision to impose any penalties or sanctions to the person charged.**

References

Wis. Statute -- 62.11 Common council.

(1) HOW CONSTITUTED. The mayor and alderpersons shall be the common council. The mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the mayor does vote in case of a tie the mayor's vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.

(2) TIME OF MEETING. The council shall meet at least once a month, and on the first Tuesday unless a different day be fixed by the council. More frequent regular meetings may be established by the council, and the mayor may call a special meeting by written notice delivered personally to each member or left at the member's usual abode at least 6 hours before the meeting. Following a regular city election the new council shall first meet on the 3rd Tuesday of April.

(3) PROCEDURE.

(a) The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.

(b) Two-thirds of the members shall be a quorum, except that in cities having not more than 5 alderpersons a majority shall be a quorum. A less number may compel the attendance of absent members and adjourn. A majority of all the members shall be necessary to a confirmation. In case of a tie the mayor shall have a casting vote as in other cases.

(c) Meetings shall be open to the public; and the council may punish by fine members or other persons present for disorderly behavior.

(d) The ayes and noes may be required by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city or any fund thereof, the vote shall be by ayes and noes. All aye and nay votes shall be recorded in the journal.

(e) The council shall in all other respects determine the rules of its procedure.

(f) The style of all ordinances shall be: "The common council of the city of do ordain as follows".

17.12 Removal and suspension of city officers.

(1) GENERAL AND SPECIAL CHARTER. Officers of cities, except public officials, as defined in s. 62.51 (1) (b), operating under the general law or under special charter including school officers, may be removed as follows:

(a) *Elective*. Elective officers by recall as provided in s. 9.10, or by the common council, for cause.

(c) *Appointive*. Appointive officers, by whomsoever appointed, by the common council, for cause, except officers appointed by the council who may be removed by that body, at pleasure. Officers appointed by any other officer or body without confirmation or concurrence by the council, by the officer or body that appointed them, at pleasure. The council may conduct a hearing thereon by a committee which committee shall proceed in such manner as may be determined by it and make full report to the council, which shall determine the question upon such appeal.

(d) *Votes required*. Removals by the common council may be made only by an affirmative vote of three-fourths of all the members thereof, and by any other body consisting of 3 or more members, by an affirmative vote of two-thirds of all the members thereof.

(2) COMMISSION FORM. Officers of cities operating under the commission form of government may be removed as follows:

(a) *Elective*. Elective officers by recall as provided in s. 9.10.

(c) *Appointive*. Appointive officers, by whomsoever appointed, by the council, at pleasure, by a majority vote; and officers appointed by any officer or body other than the council may also be removed from office by the officer or body that appointed them, at pleasure, by vote as provided in sub. (1) (d).

(3) SUSPENSION. The mayor of any city may summarily suspend from office any officer thereof whose removal is sought and against whom charges have been preferred therefor, and may appoint an officer to discharge the duties of such office until such charges have been disposed of. If such charges are dismissed, the officer so suspended shall thereby be restored to office and be entitled to the emoluments of the office for all of the time the officer would have served therein had the officer not been suspended.

(4) GENERAL EXCEPTION. But no officer of any city, appointed according to merit and fitness under and subject to a civil service or to a police and fire commission law, or whose removal is governed by such a law, shall be removed otherwise than as therein provided.

Chapter 2.16

STANDING RULES OF THE COMMON COUNCIL

Sections:

2.16.010 Generally.

2.16.010 Generally. The standing rules of the common council are set forth as follows:

RULE 1 - MEETINGS

A. Regular Meetings. (1) Following the spring election of each year, the common council shall meet on the third Tuesday of April for the purpose of organization. Regular meetings of the common council shall be held on the second and fourth Tuesday of every month at 7 p.m., in the council chambers.

(2) If any meeting date, as fixed by par. (1), falls on a legal holiday or election day, the meeting shall instead be held on the first business day succeeding that holiday or election day at the same hour and place, unless the meeting is canceled or another date is specified by the mayor.

(3) The mayor, from time to time and for good cause, may cancel or reschedule any of the regularly scheduled monthly meetings to another time and date, but each regular meeting so rescheduled shall then be considered a special meeting.

B. Special Meetings. (1) The mayor may call special meetings by notice to each council member. The notice shall be delivered to the members personally by telephone or left at their usual abode at least 24 hours before the meeting, unless for good cause a 24-hour notice is impossible or impractical. In that case, a shorter notice may be given, but the notice may not at any time be provided less than 6 hours in advance of the meeting. The notice shall specify the time, place, and purpose of the meeting. Meeting notices shall comply with Wis. Stats. 19.83 and 19.84(1) & (3). Attendance by a council member is a waiver of any defect of notice.

(2) The mayor may call a special meeting, without notice, at a regularly convened council meeting if all members are present.

(3) Special meetings shall be deemed regular meetings for the purpose of transacting any business that may be permitted by law.

C. Adjournment. Any council member may move to adjourn a meeting. If any agenda item is not considered before a motion to adjourn is adopted, it shall automatically be referred to the council's next regular meeting, unless the motion provides for a specific date and hour.

D. Transmission of Committee Business to the Council. Committee actions taken in the three business days prior to a council meeting shall be held until the next meeting after the upcoming meeting unless two-thirds (2/3) of the council agree the matter should be taken up immediately for cause. (Ord. 61-5617 §1(part), 2014)

RULE 2 - QUORUM REQUIRED

A quorum is necessary for the transaction of any council business. Two-thirds (2/3) of all members of the council, excluding the mayor, shall constitute a quorum. Vacant seats shall be counted to determine whether or not a quorum is present.

RULE 3 - CALL TO ORDER

The presiding officer shall at the hour appointed call the members to order. If both the mayor and the council president are absent from the meeting, the clerk shall call the council to order and preside until the council selects a member to preside at that meeting.

RULE 4 - ABSENCE OF MEMBERS

If an alderman for any reason cannot attend a regularly scheduled meeting, he or she shall notify the city clerk, before the meeting in question, of his or her anticipated absence. The alderman's absence shall be entered into the council's record.

RULE 5 - ORDER OF BUSINESS

The business of the council shall be conducted in the following order:

1. Call to order by the presiding officer.
2. Pledge of Allegiance, Roll Call. If a quorum is not present, the meeting shall automatically adjourn to the next regular meeting or other specified date.
3. Presentations.
4. Consideration of the minutes of the preceding meeting, approval of the minutes if correct, and correction of mistakes if any.
5. Comments and suggestions from preregistered citizens (as authorized under Rule 16).
6. Communications and recommendations from the mayor.
7. Reports of city officers.
8. Committee reports (standing and nonstanding).
9. Unfinished business from previous meetings.
10. Consent agenda.
11. New business (resolutions and ordinances).

12. Comments and suggestions from citizens present during Public Comment occurring both before and after the business meeting. (Ord. 61-5711 §1(part), 2016)

RULE 6 - INTRODUCTION OF BUSINESS

A. Introduction Requirements. All ordinances, resolutions, memorials or other communications shall be in writing, contain a brief statement of their content, indicate the name of the presenting member/committee, and, prior to their consideration by council, be delivered to the clerk. At the first permitted opportunity, the presiding officer or designee shall read each by title at a meeting of the council. Any alderman may require at any time the reading in full of any matter while it is before the council.

B. Filing. Each proposed ordinance or resolution shall be filed in the office of the clerk no less than seven (7) days prior to that scheduled council meeting at which the measure is to be introduced. Council and standing committee packets must be prepared and available for distribution no less than six (6) days prior to that scheduled council or committee meeting and the council packet must also contain all committee results for each measure to be considered. If for good cause this pre-filing is impossible or impractical, the presiding officer of the council or chairperson of the committee may waive this requirement. (Ord. 61-5617 §1(part), 2014)

C. Reintroduction Restricted. Unless otherwise provided by city ordinance, no proposed ordinance or resolution, having once been defeated, may again be introduced in the same or in the substantially same form until 30 days after the date when that ordinance or resolution was defeated.

RULE 7 - PRESIDING OFFICER

A. Designation Of. The mayor shall be the presiding officer. In the absence of the mayor, the president of the council shall preside at the meetings of the council and be styled "Acting Mayor." If both the mayor and council president are absent, the clerk shall call the meeting to order and preside until the council selects a member to preside at the meeting.

B. Function. The presiding officer shall preserve order and conduct the proceedings of the council. If a member does not follow the council's rules, the presiding officer may, on his or her own motion, or shall, at any member's request, call the offending member to order. The council, if appealed to, shall decide the matter. The city attorney shall act as its parliamentarian.

C. Questions of Order. Any alderman may raise a point of order or question of the order ("question of order"). The question of order must be raised at the time of the alleged breach of order occurs. The presiding officer shall, in turn, immediately rule on the question of order, subject to an appeal by a member to the council. The appeal may be sustained by a majority vote of the members present, exclusive of the presiding officer.

D. Motion. The mayor may speak on any question or make any motion if he or she vacates the chair and designates the council president to preside temporarily.

E. Veto. The mayor may exercise his or her veto power as defined in sec. 62.09(8)(c), Stats., and disapprove any common council action. Disapproval is expressed by mayoral veto made within five (5) business days of the time it is submitted to him or her by the city clerk. A veto shall be accompanied by the mayor's reason for rejecting the proposal, which shall be placed on file with the clerk. The clerk shall place the vetoed measure on the agenda of the next regularly scheduled meeting for council override consideration. The council may override the mayor's veto by a two-thirds (2/3) vote of all its members. (Ord. 61-5559 §1, 2013)

RULE 8 - PRESIDENT OF THE COUNCIL

A. Selection. The council president shall be selected by a majority vote of all council members at the organizational meeting conducted on the third Tuesday of April.

B. Absence of Mayor. During the mayor's absence or inability to serve, the council president shall be acting mayor and shall be vested with the powers and duties of the mayor, except the council president may not approve a council act that the mayor has vetoed. When presiding, the council president retains his or her right to vote as alderman and may not vote in case of a tie.

RULE 9 - VOTING

A. Mode of Voting. (1) Any alderman may demand an aye and no vote on any matter. However, the vote shall be by ayes and noes if the council is: (a) confirming appointments; (b) adopting any measure that assesses or levies taxes; (c) appropriating or disbursing money; or (d) creating any liability or charge against the city or any fund of the city.

(2) No member may explain his or her vote during the calling of the ayes and noes. All aye and no votes shall be recorded by the clerk.

B. Majority of Vote Required. A majority vote of all members of the council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by law. In all other cases, a majority of the votes cast shall be necessary for council action, provided a quorum has voted.

C. Tie Vote. The mayor shall not vote except in case of a tie. When the mayor does vote in case of a tie, his or her vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.

D. Abstentions. (1) All council members present shall vote on all matters or issues placed before them; unless required to abstain due to a direct pecuniary or personal interest not common to other members of the council. Members shall identify for the record whether the conflict is pecuniary or personal.

(2) A council member who is required by law to abstain from voting on any particular matter shall not be counted for determining (a) the number of "members present" if passage of that measure requires a favorable vote by a majority or other fractional vote (*i.e.*, 2/3 or 3/4) of the alderman "present," or (b) the presence of a quorum for purposes of that particular vote.

E. Vote Change. A council member may change his or her vote on a matter up to the time the result of the vote is announced.

F. Absentee Voting. No member may cast an absentee vote on any proposed ordinance, order, resolution or proposition before the council regardless of whether the absence is planned or unplanned.

RULE 10 - RECONSIDERATION OF QUESTION

Any member who voted with the prevailing side on any question may move for a reconsideration of the vote immediately after the vote or at the next succeeding regular meeting of the council. If a motion to reconsider is defeated, it may not again be presented to the council.

RULE 11 - ORDINANCES

A. Referral of Ordinances. All ordinances under consideration shall have been first reviewed by the appropriate committee who shall make an action recommendation on the matter to council, unless an alderman moves for immediate consideration of the ordinance.

B. Immediate Consideration of Ordinance. Upon a motion for immediate consideration, the presiding officer shall put the question, "Is there any objection to an immediate consideration of the ordinance?" If an objection is voiced by an alderman, a roll call vote on the motion for immediate consideration is required. If no objection is voiced, then the clerk shall record unanimous consent to the motion for immediate consideration. The presiding officer shall then state the principal question.

C. Legal Review. The council may not vote on any ordinance unless the ordinance language has been reviewed and its enforce ability has been attested to by the city attorney.

D. Affirmative Rule. All ordinances under consideration shall be written in the affirmative whereby the council votes to approve the measure by voting yes or not to approve the measure by voting no.

RULE 12 - RESOLUTIONS

A. Referral of Resolutions. All resolutions under consideration shall have been first considered by the appropriate committee who shall make an action recommendation on the matter to council, unless an alderman moves for immediate consideration of the resolution.

B. Immediate Consideration of Resolution. Upon a motion for immediate consideration, the presiding officer shall put the question, "Is there any objection to an immediate consideration of the resolution?" If an objection is voiced by an alderman, a roll call vote on the motion for immediate consideration is required. If no objection is voiced, then the clerk shall record unanimous consent to the motion for immediate consideration. The presiding officer shall then state the principal question.

C. Resolutions Providing for Appropriation of Money. A resolution providing for the appropriation of money shall not be granted immediate consideration unless the number of votes required by Rule 15B are cast in favor of immediate consideration. Such resolution shall designate the particular fund from which the appropriation is to be made.

D. Affirmative Rule. All resolutions under consideration shall be written in the affirmative whereby the council votes to approve the measure by voting yes or not to approve the measure by voting no.

RULE 13 - COMMITTEES

A. Appointments. The mayor shall appoint a chairperson and (number) of other members to each of the standing committees at the organizational meeting of the newly elected council conducted on the third Tuesday of April.

B. Standing Committees. The standing committees of the council shall be:

1. Capital Improvements and Street Maintenance
2. Coordinating (made up of chairpersons of other standing committees)
3. Economic Development
4. Finance
5. Human Resources
6. Park and Recreation
7. Public Health and Safety

C. Committee of the Whole. The mayor, the coordinating committee or council president may call for a meeting of the entire council as a committee of the whole for discussion and consideration on any matter. The mayor shall be an ex officio, non-voting member of the committee, and the council president shall be the chairperson of the committee of the whole. In the absence of the council president, the mayor shall preside as vice-chair. (Ord. 61-5711 §2 (part), 2016; Ord. 61-5617 §1(part), 2014)

D. Subcommittees and Special Committees. The chairperson of any standing committee or of the Metro-Ride Commission may appoint members to a subcommittee or citizens to a special committee with the consent of the council for the purpose of investigating issues before the committee and making recommendation on issue before the committee. The committee chairperson shall also name the chairperson of the subcommittee or special committee. (Ord. 61-5617 §1(part), 2014)

E. Committee Reports. (1) Each committee shall keep a written record on all matters referred to it. Committee reports/minutes shall be filed with the clerk and distributed to all members of the council. Matters under council consideration shall include the meeting minute detail with the proposed ordinance or resolution unless it is impossible or not practical to do so. Staff reports may also be submitted to the clerk.

(2) For each ordinance or resolution referred to it, the committee shall submit a separate written report/minutes and recommendation to council. The council shall at the same meeting consider and vote on the separately reported ordinance or resolution. The council, however, may defer action on the measure to its next regular meeting or other specified meeting.

F. Notice of Committee Meetings. The committee chairperson shall file notice of each committee meeting with the clerk. The notice shall comply with the notice requirement of sec. 19.84, Stats. In addition to compliance with state law, standing committee meeting times shall be posted to the city's online calendar by the first of each month in which the meeting is to occur.

- (1) The clerk shall call the first committee meeting on each term.
- (2) Committee members shall elect a chairperson and a vice chairperson at their first meeting.
- (3) Committee members shall determine at their first meeting a schedule of regular meeting times for matters referred to them for investigation and report and shall meet to consider items that may be deemed necessary upon the call of the chairperson or upon the call of a majority of the members of the committee. The chairperson may also schedule other such meeting times as he or she may deem necessary. (Ord. 61-5617 §1(part), 2014)

G. Committee Referrals. The presiding officer shall make all committee referrals, except as provided under Rule 15.

H. Coordinating Committee. The coordinating committee shall be composed of all of the chairpersons of the standing committees. The coordinating committee shall be chaired by the council president. The coordinating committee shall meet as necessary to coordinate the agenda items to be taken up by the council and its committees. (Ord. 61-5711 §1(part), 2016; Ord. 61-5703 §1, 2016; Ord. 61-5617 §1(part), 2014; Ord. 61-5562 §1, 2013; Ord. 61-5561§1, 2013; Ord. 61-5560 §1, 2013.)

RULE 14 - COMMITTEE REPORTS

Committee chairs may make brief report to the council on any matters pertaining to their committees they feel pertinent to council business as long as the item has been noted on the agenda.

RULE 15 - FINANCIAL MATTERS

A. Bills and Other Financial Claims. All bills and other financial claims against the city shall be itemized and presented to the finance director for examination. The clerk shall then refer claims to the city's insurance carrier for consideration and to finance committee upon recommendation of the city's insurance carrier, which shall make a recommendation for disposition of the matter at the next council meeting. Payment of bills, regular wages and salaries of officers and employees already provided for in the budget adopted by the council shall be made without submission to the council after ratification by the department/division head submitting them and approval of the finance director.

B. Ordinances and Resolutions. The council shall act on all ordinances and resolutions appropriating money or creating any charge against the city, other than the payment of claims for purchases or work previously authorized by the council.

RULE 16 - CITIZENS' RIGHT TO ADDRESS COUNCIL

A. Right Declared. A citizen may address the council under either or both:

1. Rule 5(12);
2. Rule 5 (5), provided the following conditions are met:
 - a. The citizen registers with the clerk before the meeting is called to order, and indicates his or her interest to address the council; and
 - b. The citizen's comments relate to a matter on the agenda for that meeting.

B. Time Limited. Except for informational and public hearings, speakers shall be limited to three minute addresses unless the council consents, by a two-thirds (2/3) vote of the members present to extend the time.

C. Other Restrictions. If the presiding officer decides that the comments are not relevant or are abusive, the presiding officer may:

1. Order the citizen to modify his or her comments;
2. Order the citizen to refrain from speaking;
3. Order the citizen to leave the council chambers;
4. Take such other steps as may be necessary to ensure the efficient conduct of the council's business.

RULE 17 - MANNER OF DELIBERATION

A. Manner Of. No alderman shall address the council until recognized by the presiding officer. The alderman shall then address the presiding officer and keep all remarks to the question under discussion. The alderman shall also avoid personal confrontations when speaking.

B. Recognition. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

C. Motions. No motion shall be discussed or acted upon until it has been seconded, unless these rules specifically permit one alderman to initiate action. If a motion is withdrawn, the second to the motion must also be withdrawn.

D. Motions, Precedence Of. When a question is under consideration, no motion shall be entertained except a motion to:

1. Adjourn.
2. Recess.
3. Lay on the table.
4. Move the previous question (call for the question)
5. Postpone to a certain day.
6. Refer to a committee.
7. Amend.
8. Postpone indefinitely.

These motions shall take precedence in the order listed.

E. Termination of Debate. Any member wishing to terminate the debate may move the previous question (call for the question). The presiding officer shall then announce the question as, "Shall the question before the council not be put?" If no objection is voiced, the clerk shall record unanimous consent to terminate debate. If an objection is voiced by an alderman, a roll call vote on the motion for termination of debate is required. If two-thirds (2/3) of the members present vote in the affirmative, the question before the council shall be taken without further debate. The presiding officer shall then state the principal question. The council then votes, first on any pending amendments and then on the main question. (Ord. 61-5563 §1, 2013.)

RULE 18 - CONSENT AGENDA

A. Clerk's Responsibilities. The city clerk may create a subsection on any council agenda entitled "consent agenda." In a consent agenda, the clerk shall place matters that, in the clerk's judgment, are routine and noncontroversial and do not require a special vote or specific action by the council.

B. Procedure for Adoption. The following procedure shall apply when a consent agenda is used:

1. No separate discussion of debate may be permitted on any matter listed on the consent agenda.
2. A single motion, seconded and adopted by a majority vote of all members on the council, shall be required to approve, adopt, enact or otherwise favorably resolve all matters listed on the consent agenda.

3. Any alderman may request removal of any item or part of an item included in the consent agenda. At the time of the consent agenda is considered, that item, requested by the alderman, shall be removed without debate or vote.
4. If any item or any part of the item has been removed from the consent agenda in accordance with this rule, the council shall consider that item at an appropriate time during the council's regular order of business.

RULE 19 - ROBERT'S RULES OF ORDER TO GOVERN COUNCIL

In the absence of a standing rule, the council shall be governed by the most current edition of *Robert's Rules of Order Newly Revised*, unless contrary to state law. (Ord. 61-5564 §1, 2013.)

RULE 20 - SUSPENSION OF RULES

These rules or any part of them may be suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present.

RULE 21 - AMENDING OF THE RULES

By a recorded vote of two-thirds (2/3) of all the members of the council, these rules or any part of them may be amended.

(Ord. 61-5363 §1, 2008, File No. 02-0432; Ord. 61-5289 §1, 2006, File No. 02-0432; Ord. 61-5181 §1, 2002, File No. 02-0432; Ord. 61-5070 §1, 2000.)

(i) "Income" has the meaning given under Section 61 of the Federal Internal Revenue Code.

(j) "Internal Revenue Code" has the meaning given under Section 71.02(1) (a) and (2) (b) of the Wisconsin Statutes.

(k) "Ministerial action" means an action performed in a prescribed manner in obedience to the mandate of legal authority without regard to the exercise of judgment as to the propriety of the action being taken.

(l) "Official" means any official holding an elected city office, any candidate for elected city office and all members of boards, commissions or committees appointed by the mayor or common council.

(m) "Organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, unincorporated association, receivership, trust or any legal entity organized for profit, other than an individual or government entity.

(n) "Payor" means any person providing anything of value to the official/employee, and his or her spouse.

(o) "Person" means any individual, person or organization. (Ord. 61-4706 §1(Exh. A) (part), 1990.)

2.03.030 Standards of conduct. (a) No official/employee shall use his or her public position or office to obtain financial gain or anything of value for the private benefit of himself or herself or his or her immediate family, or for an organization with which the official/employee is associated.

(b) No official/employee shall solicit or accept from any person, directly or indirectly, anything of value, if it could reasonably be expected to influence the official's vote, official/employee actions or judgments, or could reasonably be considered as reward for any official/employee action or inaction on the part of the official/employee. This subsection does not prohibit an official/employee from engaging in outside employment or his or her normal course of business.

(c) No official/employee shall intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person, if the information has not been communicated to the public or is not public information.

(d) No official/employee shall use or attempt to use his or her public position to influence or gain unlawful benefits, advantages or privileges for himself, herself or other person.

(e) No official/employee and no organization in which an official/employee or a member of his or her immediate family is associated shall enter into a contract with the city, for more than three thousand dollars per year, without first disclosing it at and entering it into the minutes of the

meeting of the appropriate governmental body. Any contract or lease entered into in violation of this subsection may be voided by the city in an action commenced within three years of the date on which the board or the department or official/employee acting for the city, in regard to the allocation of city funds from which payment is derived, knew or should have known that a violation of this subsection occurred. This subsection does not affect the application of Section 946.13 of the Wisconsin Statutes.

(f) An official/employee may appear on behalf of and may make inquiries for information for a person before any city employee, department, board, commission or other agency, only if the official/employee receives no compensation therefor beyond the salary and other compensation or other reimbursement due which the official/employee is entitled by law.

(g) No official/employee shall engage in or accept private employment or act in regard to any financial interest, direct or indirect, which is incompatible with the proper discharge of his or her official/employee duties, if it could reasonably be expected to influence the official's vote, official/employee actions or judgment or could reasonably be expected to influence the official's vote, official/employee actions or judgment or could reasonably be considered as a reward for any official/employee action or inaction on the part of the official/employee, unless otherwise permitted by law and unless disclosure is made, as hereinafter provided.

(h) No official/employee shall, for compensation, act on behalf of any person other than the city, in connection with any judicial or quasi-judicial proceeding or matter which might give rise to a judicial or quasi-judicial proceeding in which the official/employee has at any time participated personally in his official/employee capacity.

(i) No official shall vote on any matter when the official or the official's immediate family has a personal financial interest.

(j) No official/employee shall in his or her official capacity do any act which he or she knows is in excess of his or her lawful authority or which he or she knows he or she is forbidden by law to do in his or her official capacity.

(k) No official/employee, without common council authorization, shall use or permit the use of any city property for personal convenience, use or profit.

(l) No former official shall, for compensation, for twelve months following the date on which he or she ceases to be an official, act on behalf of any person other than the city in connection with any judicial or quasi-judicial proceeding or matter which might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a city official.

(m) No official/employee shall grant special consideration, treatment or advantage to any person, beyond that which is available to every other person.

(n) This section does not prohibit an official/employee of the city from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual

necessary expenses, or prohibit an official/employee from taking official action with respect to any proposal to modify city ordinances or resolutions. (Ord. 61-4706 §1(Exh. A)(part), 1990.)

2.03.040 Organization and composition of the board. (a) There is created a board with five members appointed by the mayor and subject to confirmation by the common council. Members should be from diverse segments of the community. Each board member shall be a resident of the city and shall serve without compensation. The term of office shall be five years. On the first appointment of the board, board members shall be appointed for terms of one, two, three, four, and five years respectively.

(b) The members of the board shall select their own chairperson annually and shall adopt such rules as may be necessary to carry out the duties and responsibilities of the board under this chapter. Any rules adopted shall be subject to the approval of the common council.

(c) The city attorney shall furnish the board whatever legal assistance is necessary and proper to carry out its functions. The board or the city attorney may request the common council to authorize special counsel for the board. The board shall be furnished with whatever staff assistance is required to fulfill its duties. (Ord. 61-4706 §1(Exh. A)(part), 1990.)

2.03.050 Duties of the board. Duties of the board are set out as follows:

- (a) Prescribe and make available forms for use under this chapter;
- (b) Accept and file any information related to the purposes of or required by this chapter;
- (c) Investigate any violation of this chapter on its own motion or upon complaint properly filed with it;
- (d) Maintain a record of its investigation, inquiries and proceedings. The findings of the board shall be public records;
- (e) Any person who is involved or about to be involved in any matter than could involve conduct prohibited by this chapter, or could result in a material conflict of interest on his or her part, may apply to the board for an advisory opinion. The board will not issue any opinion on conduct which may, in the judgment of the board, involve a violation of state or federal law. Such person may be guided by the opinion rendered by the board and the board is prohibited from issuing any complaint against any such person who acts in accordance with the opinion. Such person shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this chapter before the advisory opinion is rendered. A material conflict of interest on the part of any person is deemed to exist whenever the person's action or failure to act could reasonably be expected to produce or assist in producing a substantial benefit, directly or indirectly, for the person or his or her immediate family or an organization with which he or she is associated or the matter in question is one in which the official/employee, in his or her private capacity, or a member of his or her immediate family or an organization with which he or she is associated, has a substantial interest;

ORDINANCE OF COMMITTEE OF THE WHOLE

Amending Chapter 2.16 Standing Rules of the Common Council Rule 4 – Absence of Members

Committee Action:

Ordinance Number:

Fiscal Impact:

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()

Delete ()

Section 1. That Rule 4, Absence of members, is hereby amended to read as follow:

RULE 4 - ABSENCE CONDUCT OF MEMBERS

The conduct of public officials shall be above reproach and avoid the appearance of impropriety. Public officials may disagree during debate of issues however the debate should be civil and cordial. Public officials shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or actions of other council members or of members of boards commissions, committees, city staff, or the public.

A. Language. Any alderman using any profane or unparliamentary language, or is guilty of any unprofessional conduct.

B. Confidentiality of Information. Public officials shall not disclose to anyone any information obtained during and/or in relation to any closed session, the disclosure of which is:

1. Prohibited by law, e.g. certain personnel or employee information rendered confidential or prohibited from release by Federal or State law, such as, but not limited to, social security numbers, driver license information, health matters, medical payments, or personal or family financial information under 19.85(1)(b), (c), or (f), 19.35(1)(am)1., 19.35(1)(am)2., 2(a), 2.(b), or (2)(c), 19.356, 19.36(2), 19.36 especially 19.36(10) concerning certain personnel and employment records and information, 19.36(13), 103(13)(6) especially 103(13)(6)(e);
2. Prohibited from disclosure during the pendency of a quasi-judicial hearing before the council and/or a committee, board or commission upon which the council member sits; and/or

3. That would undermine or jeopardize, tend to or potentially undermine, obstruct, and/or jeopardize, the financial, legal, strategic, or best interests of the city, such as, but not limited to, collective bargaining strategies, real estate or contract negotiations, and legal advice during the pendency of the mater.

C. Attendance. If an alderman for any reason cannot attend a regularly scheduled meeting, he or she shall notify the city clerk, before the meeting in question, of his or her anticipated absence. The alderman's absence shall be entered into the council's record.

If an alderperson has four unexcused absences from standing committee or council meetings during the year, one month's salary shall be forfeited.

D. Enforcement. Violation of this ordinance shall constitute neglect of duty. Conviction shall subject the violator to a forfeiture of not less than \$100.00 or more than \$500.00. For conviction of a second or subsequent violation, the penalty shall be increased to not less than \$500.00 or more than \$1,000.00.

E. Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Robert B. Mielke, Mayor

Attest:

Toni Rayala, Clerk