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www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, April 12, 2016

6:15 PM

South Conference Room

Agenda

- 1) Call to Order, Roll Call
- 2) Approval of March 8, 2016 Meeting Minutes
 - a. March 2016 Minutes
- 3) Resolutions

Action requested: review and recommend approval

 - a. A Resolution Designating Mequon, Wisconsin as a Bee City USA
- 4) Discussion Items
 - a. Review and Discussion of the City of Mequon Ethics Code
- 5) Adjourn

Dated: April 12, 2016

/s/ Dale Mayr, Chairman

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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Office of Administration

TO: Public Welfare Committee
FROM: Lina Prosser, Executive Assistant
DATE: April 12, 2016
SUBJECT: March 2016 Minutes

The March 8, 2016 meeting minutes are attached for review and approval.

Attachments:

03-08-2016_pw minutes (DOCX)



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Office of the City Administrator

**PUBLIC WELFARE COMMITTEE
MEETING MINUTES
March 8, 2016**

PRESENT: Aldermen Gierl, Mayr, Strzelczyk

ALSO PRESENT: City Administrator Jones, Assistant City Administrator Thyges, City Attorney Sajdak, Executive Assistant Prosser

The meeting was called to order by Chairman Mayr at 6:00 PM.

Approval of the February 9, 2016 meeting minutes

Action: Motion to approve the February 9, 2016 meeting minutes.
(Strzelczyk/Gierl)

Result: Motion passed by voice acclamation.

ORDINANCE 2016-1471 An Ordinance Creating § 2-137(b)(9) of the Mequon Municipal Code Relating to the Imposition of an Affirmative Duty Upon Officials to Act With Honesty

City Attorney Sajdak stated back in January, 2015 changes were made within the Ethics and Personnel code to include an honesty provision. Attorney Sajdak went on to say, at the request of Alderman Gierl, the provisions related to the Ethics Code were reviewed and it was determined that the changes made by Ordinance 2014-1440 were not complete. Mr. Sajdak stated the proposed ordinance adds an affirmative duty upon city officials and employees to act honestly in their dealings with the public and each other. Attorney Sajdak noted City Officials are identified as Aldermen, members of the city boards and commissions, and contracted vendors filling a statutory role such as the City Assessor and City Attorney.

Alderman Gierl pointed out the proposed ordinance does not contain a definition of honesty nor does it make clear the ramifications for being dishonest. Alderman Gierl handed out to the Committee and city staff a document he drafted entitled; Mequon Code of Ethics Honest & Fair Dealings.

Alderman Strzelczyk stated the proposed ordinance is not unreasonable, but noted there it is no identifiable line for elected officials to follow, and no defined set of consequences if the line is crossed.

Alderman Mayr stated he agreed with the statement that has been added to the ordinance; however he questioned whether the City has the right to authorize a provision. Alderman Mayr mentioned, if a complaint is filed against an elected official, the complaint would go before the Ethics Board for review.

City Attorney Sajdak confirmed the Ethics Code does provide a procedure for filing an ethics claim.

Alderman Mayr suggested tabling the item until the next meeting to allow for additional time to review Alderman Gierl's handout and to give staff the opportunity to review what procedures the City currently has in place. Alderman Mayr requested a copy of the City's Ethics Code to be included in the next meeting packet for the Committee's review.

Attachment: 03-08-2016_pw minutes (1567 : March 2016 Minutes)

Action: Motion to table ORDINANCE 2016-1471 An Ordinance Creating § 2-137(b)(9) of the Mequon Municipal Code Relating to the Imposition of an Affirmative Duty Upon Officials to Act With Honesty (Strzelczyk/Gierl)

Result: Motion passed by voice acclamation.

Adjourn

Action: Motion to adjourn the meeting (Strzelczyk/Gierl)

Result: Motion passed by voice acclamation. Meeting adjourned at 6:25 PM.

Respectfully submitted,
Lina Prosser, Executive Assistant
CITY OF MEQUON PUBLIC WELFARE COMMITTEE



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Office of Human Resources

TO: Public Welfare Committee
FROM: Jesse Thyes, Asst City Administrator/Human Resource Manager
DATE: April 12, 2016
SUBJECT: A Resolution Designating Mequon, Wisconsin as a Bee City USA

Background

The Mequon Nature Preserve, on behalf of the City of Mequon, is pursuing designation as a "Bee City USA". The application process is similar to "Bird City USA" in that a resolution must be adopted by the City's Common Council. To date only one other Wisconsin city, Hales Corners, has obtained this designation. A draft resolution is attached and it should be noted that the initial resolution was prepared in accord with the "Bee City USA" guidelines; hence, there is a significant amount of required text.

Analysis

In 2006 when honey bee colonies started disappearing, later dubbed "Colony Collapse Disorder," beekeepers and non-beekeepers alike became very concerned. After all, one in every three bites of food that is consumed is courtesy of insect pollination. Equally important, 85% of flowering plants and trees rely on pollinators for the survival of their species. While less is known about native bees and other pollinators, entire species are disappearing as they battle most of the same enemies as honey bees--loss of habitat essential for food and shelter, inappropriate pesticide use, diseases, and parasites.

Launched in 2012, the Bee City USA program endorses a set of commitments, defined in a resolution, for creating sustainable habitats for pollinators, which are vital to feeding the planet. Cities, towns and communities across America are invited to make these commitments and become certified as a Bee City USA affiliate.

The aforementioned commitments, which are very similar to those of the "Bird City USA" program, include annually acknowledging a jurisdiction's status as a Bee City USA community through public awareness activities, signage and web links.

Fiscal Impact

The Mequon Nature Preserve staff will take the lead on any associated activities and publicity efforts. The coordination of these efforts will have little or no fiscal impact on the City.

Recommendation

Adoption of the Proposed Resolution

COMMON COUNCIL
OF THE
CITY OF MEQUON

A Resolution Designating Mequon, Wisconsin as a Bee City USA

WHEREAS, the goal of BEE CITY USA is to promote healthy, sustainable habitats and communities for bees and other pollinators; and

WHEREAS, thanks to the tremendous diversity of wild native bees, along with the honey bees that were brought here from Europe in the 1700s, we have very diverse dietary choices rich in fruits, nuts and vegetables; and

WHEREAS, bees and other pollinators around the globe have experienced dramatic declines due to a combination of habitat loss, use of pesticides, and the spread of pests and diseases, with grave implications for the future health of flora and fauna; and

WHEREAS, communities have the opportunity to support bees and other pollinators on both public and private land; and

WHEREAS, supporting pollinators fosters environmental awareness and sustainability, and increases interactions among community stewards such as commercial and backyard beekeepers, farmers, children, educators, Master Naturalists, Master Gardeners, plant nurseries, municipalities, neighborhoods, and garden suppliers and clubs; and

WHEREAS, the economic benefits of (native and honey) bee-friendliness are:

- Healthy ecosystems--insect pollinators are required for pollination and reproduction of about 85% of flowering plants globally, plants that: 1) are vital for clean air and water; 2) provide food, fiber and shelter for people and wildlife; and 3) support the very insects that pollinate our crops and form the basis of food webs.
- Increased vegetable and fruit crop yields due to bee pollination.
- Increased habitat for natural enemies of crop pests and therefore reduced need for and costs associated with pesticides.
- Increased demand for pollinator-friendly plant materials from local nurseries and growers.
- Income earned by beekeepers and others through the sale of bee products, beekeeping equipment and supplies, and hive rentals for pollination; and, heightened prestige and premium asking prices for place-based honey, which enhances the visibility and reputation of its community of origin; and

WHEREAS, Mequon, Wisconsin should be certified a BEE CITY USA community because:

- Community interest in supporting sustainable habitats for bees and other pollinators has grown as the decline in pollinator populations and habitat has received greater local and national media attention.

- The Mequon Nature Preserve has become a trusted community resource and facilitator of honey bee education.
- Resident participation in the local bee club sponsored by the Mequon Nature Preserve has increased steadily, demonstrating the community's growing desire to learn about bees and share experiences; and

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant nectar and pollen from plants blooming in succession.
- Provides clean water for drinking, nest-building, cooling, diluting stored honey, and butterfly puddling.
- Is pesticide-free or has pesticide use carried out with least ill effects on pollinators.
- Is comprised of mostly, if not all, native species of annual and perennial wildflowers, shrubs, trees, and grasses because many native pollinators prefer or depend on the native plants with which they co-evolved.
- Includes, where possible, designated pollinator zones in public spaces with signage to educate the public and build awareness.
- Provides for safe and humane removal of bees when required.
- Provides undisturbed spaces (leaf and brush piles, un-mowed fields or field margins, fallen tree and other dead wood) for nesting and overwintering for native pollinators; and

WHEREAS, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, Mequon, Wisconsin agrees to meet the following commitments required of all BEE CITY USA communities:

- 1) Pass this BEE CITY USA resolution (which articulates these commitments).
- 2) The Mequon Nature Preserve is hereby designated as the Bee City USA sponsor and Kristin Gies, Executive Director, as the Bee City USA "liaison;" to encourage and coordinate local pollinator habitat and awareness activities. This body will serve as the intermediary between the citizenry and local government on matters of enhancing pollinator awareness, health and habitat, fulfilling the following commitments:
 - a. Annually celebrate National Pollinator Week (third full week of June) or some other appropriate occasion with educational events, pollinator habitat plantings or restoration, proclamations or promotions that showcase the municipality's commitment to enhancing pollinator health and habitat.
 - b. Annually apply for renewal of the community's designation and submit a report of the previous year's BEE CITY USA activities following the format provided.
- 3) Publicly acknowledge the community's commitment by agreeing to a) install/maintain at least one authorized BEE CITY USA street sign in a prominent location, and b) create/maintain links on appropriate pages of the local government's website which includes, at minimum, links to a PDF of this signed Resolution and the national BEE

CITY USA website, contact information for the local government’s BEE CITY USA liaison and designated “facilitator commission or non-profit organization committee,” and reports of the pollinator-friendly activities the community has accomplished the previous _____ year(s).

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the Mequon Nature Preserve to submit an application Bee City USA on behalf of the City of Mequon to obtain a “Bee City” designation and commits to the standards of Bee City USA.

Approved by: Dan Abendroth, Mayor

Date Approved: April 12, 2016

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 12, 2016.

William H. Jones, Jr., City Clerk

Published: _____



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Office of Human Resources

TO: Public Welfare Committee
FROM: Jesse Thyges, Asst City Administrator/Human Resource Manager
DATE: April 12, 2016
SUBJECT: Review and Discussion of the City of Mequon Ethics Code

Background

The City's Ethics Board was created in 1978 and the Code of Ethics was formally codified in 1998 after a comprehensive review/update performed by the City's Ethics Board.

Prior to 1998, the City's "Ethics Code" existed in the form of a policy manual. Attached please find the complete Code of Ethics as set forth in Sections 2-135 through 2-148 of the Mequon Code of Ordinances.

Overview

At the March 2016 Public Welfare Committee meeting questions were raised by Committee members as to best determine how to properly establish additional honesty provisions for staff, elected/appointed officials, and contracted employees (i.e. Assessor, Attorney, etc.). Moreover, specific questions were raised by the committee about the "procedure to follow regarding an ethics violation" and if there is a "defined set of consequences".

Briefly touching on the specific questions that were raised, the following Code sections can be referenced;

Section 2-142. Complaints

This section of the Ethics Code outlines how the Ethics Board would proceed with the investigation of a complaint that has been filed as well as the associated reporting requirements. This process applies to employees and elected officials alike.

Section 2-145. Hearing Procedure

This section provides specific procedural details for the Ethics Board to follow in conducting an ethics complaint hearing

Section 2-146. Determinations; board actions; penalties

This section notes that upon finding of an ethics code violation, the Ethics Board may admonish the City official or employee, reprimand the City official or employee, make recommendations to the appropriate appointing authority, or may even refer the matter to the District Attorney if the violation is criminal in nature.

In essence, the Ethics Board has three actions that it may take in the event of a violation: (1) directly admonish the employee/official, (2) recommend disciplinary actions to the Common Council and/or City Administrator or (3) refer the matter directly to the District Attorney.

Upon further review of the history of the Ethics Code, it has been determined that its original adoption was administered by the Ethics Board which was the primary author of the current code. This is consistent with the purpose of the Ethics Board, which "shall advise the Common Council with respect to appropriate rules of ethics which shall govern City officials and

employees in their duties” under Section 2-140(b) of the Municipal Code.

Staff Recommendation

Should the Public Welfare Committee feel that code revisions are required; staff recommends that the review of the City’s Ethics Code be forwarded to the Ethics Board for their consideration and recommendation in accord with the Municipal Code and historical practice.

In the event that amendments to the Ethics Code are advised by the Ethics Board, said amendments will be forwarded to the Public Welfare Committee because only a standing committee may forward recommendations to the Common Council for possible action.

Lastly, as an item of note, based upon the recent discussions/reviews of the City’s Ethics Code, staff will be facilitating an ethics training course for all city employees later this year. It is anticipated that this initiative will include a review of the City’s current (or updated) Ethics Code as well as an online web-based training offered through the International City/County Management Association (ICMA).

Attachments:

City of Mequon Ethics Code (PDF)

ICMA Code of Ethics (PDF)

DIVISION 3. - ETHICS⁽⁴⁾

Footnotes:

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State Law reference— Local government ethics, Wis. Stats. § 19.59.

Sec. 2-135. - Declaration of policy.

- (a) It is declared that high moral and ethical standards among city officials and employees are essential to the conduct of free government. The common council believes that a code of ethics for the guidance of city officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of Mequon in their officials and employees.
- (b) It is the intent of the common council that the ethics board in its operations shall protect to the fullest extent possible, the rights of individuals affected.

(Code 1957, § 30.01; Ord. No. 98-250, 7-14-1998)

Sec. 2-136. - 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:

Anything of value means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the city, fees and expenses of more than \$100.00 which are permitted and reported to the ethics board under section 2-140(b), political contributions which are reported under Wis. Stats. ch. 11, or hospitality extended for a purpose unrelated to city business by a person other than an Organization.

Associated, when used with reference to an organization, includes any organization:

- (1) In which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent of the outstanding equity, voting rights, or outstanding indebtedness, or
- (2) Of which an individual or a member of his or her immediate family is an authorized representative or agent.

Board means the ethics board.

City official or employee means any individual employed by or holding an office or position, whether elected or appointed, paid or unpaid, full-time or part-time, as the case may be, (including members of councils, boards, committees, commissions or similar entities), but not including an office of position subject to the jurisdiction of the fire and police commission.

Immediate family means:

- (1) An individual's spouse; and
- (2) An individual's relatives by marriage, lineal descent or adoption.

Internal revenue code has the meaning given under Wis. Stats. § 71.01(5).

Ministerial action means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

Organization means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(Code 1957, § 30.02; Ord. No. 98-250, 7-14-1998)

Cross reference— Definitions generally, § 1-2.

Sec. 2-137. - Standards of conduct.

- (a) *Generally.* The common council hereby reaffirms that a city official or employee holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This division does not prevent any city official or employee from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this city. The common council further recognizes that city officials and employees are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that city officials and employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for city officials and employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material and that city officials and employees may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the provisions of this division.
- (b) *Prohibited practices.*
- (1) No city official or employee may use his or her public position or office to obtain financial gain or anything of substantial value for the city official's or employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit an elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under Wis. Stats ch. 11.
 - (2) No person may offer or give to a city official or employee, directly or indirectly, and no city official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the city official's vote, the city official's or employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the city official or employee. This subsection does not prohibit a city official or employee from engaging in outside employment.
 - (3) No city official or employee may 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. This provision shall not be interpreted to prevent such city official or employee from reporting violations of this division or other illegal acts to the proper authorities.
 - (4) No city official or employee may use or attempt to use his or her position to influence or gain

unlawful benefits, advantages or privileges for himself or herself or others.

- (5) No city official or employee, member of such city official's or employee's immediate family, nor any organization in which the city official or employee or a member of such city official's or employee's immediate family owns or controls at least ten percent of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease with the City of Mequon involving a payment or payments of more than \$3,000.00 within a 12-month period unless the city official or employee has first made written disclosure of the nature and extent of such relationship or interest to the board and to the department involved in regard to the contract or lease. 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 officer acting for the city in regard to the allocation of funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of Wis. Stats. § 946.13.
- (6) No city official or employee may represent a person for compensation before a city department or any employee thereof, council, board, committee, commission or similar entity, except:
- In a contested case which involves a party other than the city with interests adverse to those represented by the city official or employee; or
 - At an open hearing at which a stenographic or other record is maintained; or
 - In a matter that involves only ministerial action by the department.
- This subsection does not apply to representation by a city official or employee acting in his or her official capacity.
- (7) No former city official or employee for 12 months following the date on which he or she ceases to be a city official or employee, may, for compensation:
- On behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a department with which he or she was associated as a city official or employee within 12 months prior to the date on which he or she ceased to be a city official or employee.
 - On behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any official or city employee of a department in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former city official's or employee's responsibility as a city official or employee, within 12 months prior to the date on which he or she ceased to be a city official or employee.
 - On behalf of any party other than the city, act in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former city official or employee participated personally and substantially as a city official or employee.
- (8) No city official or employee may dishonestly obtain financial gain or anything of substantial value for the city official's or employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated.

(c)

Inquiries by city official. This section does not prohibit an elected city official from making inquiries for information on behalf of a person or organization or from representing a person or organization before a department if he or she receives no compensation therefor beyond the salary and other compensation or reimbursement to which the elected city official is entitled by law.

(Code 1957, § 30.03; Ord. No. 98-250, 7-14-1998; Ord. No. 2014-1440, § I, 1-13-2015)

Sec. 2-138. - Conflict of interest prohibited; exception.

(a) Except in accordance with the board's advice under subsection (b) and except as otherwise provided in subsection (c), no city official or employee may:

- (1) Take any official action substantially affecting a matter in which the city official or employee, a member of his or her immediate family, or an organization with which such city official or employee is associated has a substantial financial interest.
- (2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the city official or employee, one or more members of the city official's or employee's immediate family either separately or together, or an organization with which the city official or employee is associated.

(b) Advisory opinions.

- (1) Any individual, and specifically including former city officials and employees, either personally or on behalf of an organization or governmental body, may request of the board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party, and any appointing officer, with the consent of a prospective appointee, may request of the board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The board shall review a request for an advisory opinion and may advise the person making the request.
- (2) Advisory opinions and requests therefor shall be in writing. Requests for advisory opinions, records obtained or filed in connection with requests for advisory opinions and advisory opinions rendered shall be closed in whole to public inspection. The board's deliberations and actions upon requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this division when a person refers a matter to the board and abides by the board's advisory opinion if the material facts are as stated in the opinion request.
- (3) No member of the board may make public the identity of the individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion. This shall not be interpreted to preclude the board from compiling or publishing summaries of opinions rendered if no identification of the requestor or any organization identified in the opinion is made. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the board in connection with the request for an advisory opinion.

(c) This section does not prohibit a city official or employee from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a city official or employee from taking official action with respect to any proposal to modify law.

(Code 1957, § 30.04; Ord. No. 98-250, 7-14-1998)

Sec. 2-139. - Exception: honorariums, fees and expenses.

- (a) Generally. Every city official and employee is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive or judicial processes and proposals and issues initiated by or affecting any city department or agency.
- (b) Reporting required:
 - (1) Except as provided in subsection (b)(2) of this section, every city official and employee who receives for a published work or for the presentation of a talk or participation in a meeting, any lodging, transportation, money or other thing with a combined pecuniary value exceeding \$100.00 excluding the value of food or beverage offered coincidentally with a talk or meeting shall, in the manner prescribed by the city administrator, report the identity of every person from whom the city official or employee receives such lodging, transportation, money or other thing of pecuniary value during his or her preceding taxable year, the circumstances under which it was received and the approximate value thereof.
 - (2) A city official or employee need not report under subsection (b)(1) of this section information pertaining to any lodging, transportation, money or other thing of pecuniary value which:
 - a. The city official or employee returns to the payor within 30 days of receipt.
 - b. The city official or employee can show by clear and convincing evidence was unrelated to and did not arise from the recipient being or having been a city official or employee and was made for a purpose unrelated to the purpose specified in subsection (a).
 - c. The city official or employee has previously reported to the board as a matter of public record.
 - d. Is paid by the city.
- (c) Notwithstanding section 2-138:
 - (1) A city official or employee may receive and retain reimbursement or payment of actual and reasonable expenses and an elected city official or employee may retain reasonable compensation for a published work or for the presentation of a talk or participation in a meeting related to topic specified in subsection (a) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.
 - (2) A city official or employee may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the city official's or employee's use of the city's time, facilities, services or supplies not generally available to city residents and, the city official or employee can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subsection (a).
 - (3) A city official or employee may receive and retain from the city, or on behalf of the city, transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the city official or employee can show by clear and convincing evidence were incurred or received on behalf of the city and primarily for the benefit of the city and not primarily for the private benefit of the city official or employee or any other person.
 - (4)

A city official or employee may receive and retain from a political committee under Wis. Stats. ch. 11 transportation, lodging, meals, food or beverage, or reimburse therefor a payment or reimbursement of costs permitted and reported in accordance with Wis. Stats. ch. 11.

- (d) If a city official or employee receives a payment not authorized by this division, in cash or otherwise, for a published work or a talk or meeting, the city official or employee may not retain it. If practicable, the city official or employee shall deposit it with the city treasurer. If that is not practicable, the city official or employee shall return it or its equivalent to the payor or convey it to a charitable organization other than the one with which he or she is associated.

(Code 1957, § 30.05; Ord. No. 98-250, 7-14-1998)

Sec. 2-140. - Organization, composition and operation of the board of ethics.

- (a) *Creation.* There is recreated an ethics board of the City of Mequon.
- (b) *Purpose.* The ethics board shall advise the common council with respect to appropriate rules of ethics which shall govern city officials and employees in their duties, and shall administer the city ethics code including rendering advisory opinions, undertaking investigatory inquiries, and conducting enforcement hearings.
- (c) *Membership and term of office.* The Mequon ethics board shall consist of nine members who are residents of the city and shall serve without compensation unless the common council otherwise provides. Members of the board of ethics shall not be elected officials, persons appointed to elective office, full-time appointed officials whether exempt or nonexempt, or city employees, nor shall they be currently serving on any other city board or commission. Board members shall be selected in the following manner and shall be submitted by the mayor to the common council for confirmation. Each alderman shall appoint a resident of his/her aldermanic district. If during his or her term, the member shall no longer reside in such district but continues to reside in the city, he or she may serve until a successor is duly appointed. The mayor shall make one appointment of a resident of any aldermanic district. All appointees shall be subject to confirmation by the common council. Terms of office shall be three years and shall be coterminous with the terms of office of the city official making the appointment.
- (d) *Chairman.* The members of the board shall select their own officers.
- (e) *Quorum.* Five members shall constitute a quorum for the transaction of the business of the ethics board.
- (f) *Meetings.* Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.

(Code 1957, § 30.06; Ord. No. 98-250, 7-14-1998; Ord. No. 2004-1093, § 1, 2-11-2004)

Sec. 2-141. - Duties of the board.

The board may:

- (1) Adopt written rules as may be necessary to carry out this chapter. A copy of the rules shall be filed with the city clerk. The board shall give prompt notice of the contents of its rules to city officials and employees who will be affected thereby.
- (2) Prescribe and make available forms as may be necessary for use under this chapter.
- (3)

Retain outside counsel and other experts, including without limitation clerical support and court reporting service for hearings as needed after solicitation of recommendations from the city attorney and upon contract for services approved for form and content by the city attorney.

- (4) Designate the person who shall act as legal custodian and accept and file any information related to the purposes of this chapter, which is voluntarily supplied by any person in addition to the information required by this chapter.
- (5) Prepare and publish special reports and technical studies, as the board deems appropriate, to further the purposes of this chapter.

(Code 1957, § 30.08; Ord. No. 98-250, 7-14-1998)

Sec. 2-142. - Complaints.

- (a) The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a complaint in writing verified under oath which states the names of any person alleged to have committed a violation of this chapter and which sets forth the particulars thereof. The board shall within ten days following receipt of the verified complaint, forward to the accused a copy of the complaint and a general statement of the applicable provisions with respect to such verified complaint.
 - (1) If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint and notify the complainant and the accused.
 - (2) If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this chapter, it may make an investigation with respect to any alleged violation.
 - (3) If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.
- (b) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this chapter has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. Prior to invoking any power under section 2-143, the board shall authorize an investigation by a motion of the board which shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the board shall notify each person who is the subject of the investigation pursuant to subsection (3). If the board, during the course of an investigation, finds probable cause to believe that a violation of this chapter has occurred, it may:
 - (1) If no verified complaint has been filed, make upon its own motion a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this chapter and shall set forth the particulars thereof. The board shall forward to the accused within ten days a copy of the complaint, a general statement of the applicable provisions with respect to such verified complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.
 - (2)

If a verified complaint has been filed and the board finds probable cause to believe that a violation of this chapter, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the board, a copy of the amendment shall be sent to the person complained against within 48 hours.

(c) Upon adoption of a motion authorizing an investigation under subsection (b), the board shall mail a copy of the motion to each alleged violator who is identified in the motion together with a notice informing the alleged violator that the person is the subject of the investigation authorized by the motion and a general statement of the applicable provisions with respect to such investigation. Service of the notice is complete upon mailing.

(d) No action may be taken on any complaint which is filed later than three years after a violation of this chapter is alleged to have occurred.

(Code 1957, § 30.09; Ord. No. 98-250, 7-14-1998)

Sec. 2-143. - Additional powers of the board.

Pursuant to any investigation or hearing conducted under this chapter, the board has the power:

- (1) To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this chapter as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.
- (2) To administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Issuance of a subpoena requires action by the board in accordance with this chapter.
- (3) To order testimony to be taken by deposition before any individual who is designated by the board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by subsection (2).
- (4) To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.
- (5) To request and obtain from the department of revenue copies of state income tax returns and access to other appropriate information under Wis. Stats. § 71.78(4), regarding all persons who are the subject of such investigation.
- (6) To retain outside counsel and other experts as needed after solicitation of recommendations from the city attorney and upon such contract for services approved for form and content by the city attorney.

(Code 1957, § 30.10; Ord. No. 98-250, 7-14-1998)

Sec. 2-144. - Probable cause of violation.

- (a) At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this chapter has occurred.
- (b) If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint.
- (c) If the board determines that there is probable cause for believing that a violation of this chapter

has been committed:

- (1) Its preliminary findings of fact and conclusions may contain an order setting a date for hearings to determine whether a violation of this chapter has occurred. The board shall serve the order upon the accused.
- (2) A hearing ordered under this subsection shall be commenced within 30 days after the date it is ordered unless the accused petitions for and the board consents to a later date.
- (3) Prior to any hearing ordered under this subsection, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.
- (4) The board shall inform the accused or his or her counsel of exculpatory evidence in its possession.

(Code 1957, § 30.12; Ord. No. 98-250, 7-14-1998)

Sec. 2-145. - Hearing procedure.

- (a) Any hearing by the board shall be conducted in accordance with the following provisions:
 - (1) The city official or employee must be given at least 20 days notice of the hearing date.
 - (2) The rules of evidence shall apply to the hearing. All evidence, including certified copies of records and documents which the board considers shall be fully offered and made part of the record in the case. A verbatim transcript of the testimony shall be made. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
 - (3) During the entire hearing conducted under the provisions of this chapter, the city official or employee or any person whose activities are under investigation shall be entitled to be represented by counsel of his or her choosing. The board shall immediately disclose and forward to the city official or employee or his or her counsel any evidence which is possessed that may tend to clear the city official or employee.
 - (4) The city official or employee or his or her representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses to establish all pertinent facts and circumstances, and to question or refuse any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. Upon the request of the officer involved, the board shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance.
 - (5) The board shall have the power to compel the attendance of witnesses and to issue subpoenas for books, records, documents or papers therein to be designated under the authority granted to it by Wis. Stats. § 88.501(3).
- (b) The board may request the Wisconsin department of revenue for permission to have a designated public officer examine the income tax returns of the city officials or employee whose conduct or activities are under consideration by the board. The examination of the city official's or employee's income tax returns shall be in accordance with Wis. Stats. § 71.78(4).
- (c) The board may appoint a hearing examiner to conduct hearings under this section. The board may also retain outside counsel and other experts as needed with respect to hearings in accordance with its policies. The selection of a hearing examiner and outside counsel or other experts and any contract for such persons shall be made after solicitation or recommendations from the city attorney and the contract shall be approved for form and content by the city attorney. Any person

whose name is mentioned or who is otherwise identified during a hearing being conducted by the board and who, in the opinion of the board, may be adversely affected thereby, may, upon request of the person or representative of the person, or upon the request of any member of the board, appear at the hearing to testify on his or her own behalf or have a representative appear to so testify, and the board may permit any other person to appear and to testify at a hearing.

- (d) The board shall not find a violation of this chapter except upon clear and convincing evidence admitted at the hearing.
- (e) After the conclusion of the hearing the board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the accused has violated this chapter.

(Code 1957, § 30.13; Ord. No. 98-250, 7-14-1998)

Sec. 2-146. - Determinations; board actions; penalties.

- (a) If the board determines that no violation of this chapter has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint.
- (b) If the board determines that a violation of this chapter has occurred, the board shall set forth its findings of fact and conclusions. According to such findings of fact and conclusions, the board may admonish the city official or employee, reprimand the city official or employee, make recommendations to the appropriate appointing authority or where it is determined that criminal misconduct or malfeasance may have occurred, the board shall refer the matter to the district attorney.
- (c) Decisions of the ethics board shall be final and not subject to appeal or review by any city department or any employee thereof or by any council, board, committee, commission or similar entity or member thereof. Nothing herein shall limit the right of any person to pursue legal remedies otherwise available.

(Code 1957, § 30.14; Ord. No. 98-250, 7-14-1998)

Sec. 2-147. - Reimbursement of legal expenses.

City funds shall be used to reimburse city officials and employees for reasonable legal expenses incurred in their successful defense of charges filed against them with the board, including when the matter is dismissed before hearing or determination as to whether a violation of the code was committed.

(Code 1957, § 30.16; Ord. No. 98-250, 7-14-1998)

Sec. 2-148. - Public inspection of records.

- (a) Except as provided in subsection (b) of this section, all records in the possession of the Board are open to public inspection at all reasonable times.
- (b) Notwithstanding subsection (a) of this section, the following records in the board's possession are not open for public inspection.
 - (1) Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The board may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested.

(2)

Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this chapter has occurred.

(Code 1957, § 30.17; Ord. No. 98-250, 7-14-1998)

State Law reference— Public inspection of records, Wis. Stats. § 19.31 et seq.

Secs. 2-149—2-179. - Reserved.

ICMA Code of Ethics

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in April 2015.

ICMA

Leaders at the Core of Better Communities