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**PUBLIC WELFARE COMMITTEE**  
**Tuesday, May 10, 2016**  
**5:45 PM**  
**South Conference Room**

**Agenda**

- 1) Call to Order, Roll Call
- 2) Approval of April 12, 2016 meeting minutes
  - a. April 2016 Minutes
- 3) Elect Committee Chairperson
- 4) Resolutions

**Action requested: review and recommend approval**

  - a. **RESOLUTION 3379** A Resolution Authorizing Renewal of a Mutual Cooperation Agreement For the City of Mequon's Participation In the Home Investment Partnership Program Administered by Waukesha County
- 5) Discussion Items
  - a. Consideration of Ordinance Amending Sections 2-136 (2) and 2-137(b)(9) of the Mequon Municipal Code in Connection with Establishing an Honesty Definition and Provision within the City's Ethics Code
- 6) Information Items
  - a. Official Newspaper Designation
- 7) Adjourn

*Dated: May 10, 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: May 10, 2016**  
**SUBJECT: April 2016 Minutes**

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The April 10, 2016 meeting minutes are attached for review and approval.

Attachments:

04-12-2016\_pw minutes (DOCX)



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Office of the City Administrator

**PUBLIC WELFARE COMMITTEE  
MEETING MINUTES  
April 12, 2016**

**PRESENT:** Aldermen Gierl, Mayr, Strzelczyk

**ALSO PRESENT:** Mayor Abendroth (6:20 p.m.), City Administrator Jones, Assistant City Administrator Thyes, City Attorney Sajdak, Executive Assistant Prosser, Jason Nickels, Mequon Nature Preserve Education and Restoration Director

The meeting was called to order by Chairman Mayr at 6:16 PM.

**Approval of the March 8, 2016 meeting minutes**

**Action:** Motion to approve the March 8, 2016 meeting minutes.  
(Strzelczyk/Gierl)

**Result:** Motion passed by voice acclamation.

**RESOLUTION 3370 - A Resolution Designating Mequon, Wisconsin as a Bee City USA**

Assistant City Administrator Thyes stated that the Mequon Nature Preserve is looking to pursue designation as a "Bee City USA" on behalf of the City of Mequon. Mr. Thyes noted the application process is similar to "Bird City USA" in that a resolution must be adopted by the City's Common Council. Mr. Thyes noted that Mequon Nature Preserve staff will take the lead on any associated activities and publicity. Jason Nickels, Mequon Nature Preserve Education and Restoration Director, was present at the meeting to answer questions of the Public Welfare Committee.

**Action:** Motion to approve RESOLUTION 3370 - A Resolution Designating Mequon, Wisconsin as a Bee City USA (Strzelczyk/Gierl)

**Result:** Motion passed by voice acclamation. Resolution 3370 recommended to Common Council for approval.

**Review and Discussion of the City of Mequon Ethics Code**

Assistant City Administrator Thyes stated, based upon the Committee's discussion at the last meeting, staff conducted additional research with respect to the City of Mequon's Ethics Code. Mr. Thyes noted a copy of the Code of Ethics (Sections 2-135 through 2-148) has been provided per the Committee's request. Mr. Thyes went on to say, there were initial discussions by the Committee on how to properly establish an additional honesty provision for staff, elected/appointed officials, and contracted employees. Mr. Thyes pointed out the Committee raised specific questions on the procedure to follow regarding an ethics violation and whether there is a defined set of consequences resulting in an ethics violation. Staff referenced the specific code sections of the Ethics Code that answers the questions raised by the Committee.

Mr. Thyes stated as staff and the City Attorney researched the history behind the City's Ethics Code it was determined the procedure to review and provide updates to the Ethics Code has been championed by the Ethics Board with referral back to the Public Welfare Committee for final consideration by the Common Council. Mr. Thyes stated should the Public Welfare Committee feel that the code revisions are required; staff recommends that the review of the City's Ethics Code be forwarded to the Ethics Board for consideration and recommendation in accord with the Municipal Code and historical practice.

Mr. Thyes pointed out, in the event amendments to the Ethics Code are advised by the Ethics Board, said amendments will be forwarded to the Public Welfare Committee for further consideration prior to going to the Common Council for final approval.

Assistant City Administrator Thyes noted based upon the recent discussions and reviews of the City's Ethics Code, staff is looking to be proactive in facilitating a web-based training course offered through the International City/County Management Association (ICMA). The Committee received a copy of the ICMA Code of Ethics.

Alderman Mayr pointed out the request by Alderman Gierl to incorporate an honesty definition in the City's Ethics Code has not been provided to the Committee as requested.

City Administrator Jones stated staff was under the impression that the Ethics Board has been the primary author of the current Ethics Codes; therefore staff recommended working first with the Ethics Board with respect to making amendments to the Ethics Code. Mr. Jones noted the changes made by the Ethics Board would then be forwarded to the Public Welfare Committee or final recommendation and approval of Council.

Alderman Mayr stated historically the Ethics Board has been the primary author of the Ethics Code; however the request to amend the Ethics Code has been initiated by a member of the Public Welfare Committee. Alderman Mayr indicated the information staff provided on the procedure of an ethics violation and the consequences of an ethics violation did fulfill the Committee's request for further information.

Mayor Abendroth questioned the need to amend the current Ethics Code. Alderman Gierl stated an honesty provision within the City's Ethics Code would provide a guideline for current and future staff, elected/appointed officials, and contracted employees.

Staff was directed to add a definition of honesty to Section 2-136 of the City's Ethics Code for the next meeting for the committee to review.

City Administrator Jones asked that the Committee send additional feedback to staff prior to the next meeting. Alderman Mayr requested the amended section of the Ethics Code be provided to the Committee for review one week prior to the next meeting.

**Adjourn**

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

**Result:** Motion passed by voice acclamation. Meeting adjourned at 6:46 PM.

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

Attachment: 04-12-2016\_pw minutes (1632 : April 2016 Minutes)



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Office of Community Development

**TO: Public Welfare Committee**  
**FROM: Kim Tollefson, Director of Community Development**  
**DATE: May 10, 2016**  
**SUBJECT: A Resolution Authorizing Renewal of a Mutual Cooperation Agreement For the City of Mequon's Participation In the Home Investment Partnership Program Administered by Waukesha County**

### Background

The HOME Consortium is a four county program established in 1998 that assists in advancing home ownership opportunities through various programs for households with income below 80% of the county's median income. The program is offered through the receipt of federal funds via the Department of Housing and Urban Development (HUD). There are no costs to the City for participating in the program. The four county participants are Ozaukee, Washington, Waukesha and Jefferson. The City of Mequon became a participant of the program in 2005. A renewed participation agreement is required at this time due to federal law updates related to the Fair Housing Act.

### Programs

Waukesha County is the designated lead agency for the Consortium. The following lists the programs available through the HOME Consortium (see attached overview):

**1. Down Payment Assistance Loan.**

This program provides a forgivable loan of up to \$5,000 for down payment or closing costs.

**2. Homeowner Rehabilitation Loan.**

This program provides access to loan dollars for home repairs. Loans are provided for eligible repairs such as roofs, mechanical systems, plumbing, windows, foundations, siding and accessibility improvements.

**3. Purchase-Rehabilitation Loan.**

This program is a combination of the two programs listed above. Eligible homebuyers can receive \$5,000 for down payment and up to \$17,500 for rehab costs.

**4. Housing Development.**

This program assists with the construction of affordable housing units within a larger housing development project.

The attached, updated contract is provided by Waukesha County for our continued partnership within the Consortium (please see attached agreement). The City's continued participation under the updated agreement, establishes the automatic renewal in the program for the coming fiscal years of 2017-2019. This agreement, like the original, is valid for three (3) years and will automatically renew. Annually, the Consortium receives funding of approximately \$1M. The program oversight is provided by a 12 member Board of Directors that is comprised of 3 members of each participating county (please see attached Board of Directors roster).

**Fiscal Note**

There is no cost to the City as a partner of this program.

**Planning Department Recommendation**

Planning staff recommends the City's continued participation within the HOME Consortium. The City's participation in this program is identified in the City of Mequon Comprehensive Plan 2035 as a government program that allows the City to assist in promoting housing choices.

**Public Welfare Committee Recommendation**

The Public Welfare Committee recommendation is forthcoming at its meeting on May 10, 2016.

Attachments:

- HOME Consortium info Ozaukee County (DOC)
- Copy of 2016 HOME Board Members (PDF)
- City of Mequon MUTUAL COOPERATION AGREEMENT 5.2.16 (PDF)

COMMON COUNCIL  
OF THE  
CITY OF MEQUON

RESOLUTION 3379

A Resolution Authorizing Renewal of a Mutual Cooperation Agreement For the City of Mequon's Participation In the Home Investment Partnership Program Administered by Waukesha County

WHEREAS, the U. S. Department of Housing and Urban Development has created the HOME Investment Partnership Program (HOME) to provide various housing opportunities to households with income below 80% of the metropolitan area median income; and

WHEREAS, the counties of Waukesha, Jefferson, Washington and Ozaukee and municipalities within the four counties have executed Cooperation Agreements to participate in the HOME program as part of the HOME Consortium since 1998; and

WHEREAS, Waukesha County has been designated the lead and fiscal agent for the HOME Consortium with no fiscal cost to HOME participants; and

WHEREAS, the City of Mequon is not eligible to receive such HOME funds directly but has been a program participant since 2005;

NOW THEREFORE BE IT RESOLVED that the City of Mequon in an effort to assist and benefit its low and moderate income households hereby agrees and seeks participation in the HOME Investment Partnership Program through Ozaukee County.

BE IT FURTHER AGREED that the City of Mequon is authorized to execute such documentation as necessary to effect its membership in the HOME Consortium.

\_\_\_\_\_  
Approved by: Dan Abendroth, Mayor

Date Approved: May 10, 2016

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 10, 2016.

\_\_\_\_\_  
William H. Jones, Jr., City Clerk

## The HOME Consortium

In 1998 Jefferson, Washington and Waukesha Counties joined together to form the HOME Consortium and become eligible to receive federal HOME program funds to support the creation and maintenance of affordable housing. In 1999, Ozaukee County agreed to participate in the Consortium. The main purposes of the HOME Consortium are to advance home ownership opportunities with a down payment assistance program, to maintain the quality of the existing housing stock through low-interest housing rehabilitation loans, and to support the development of affordable rental and homeowner housing. All programs are available to households in the participating counties that earn 80% or less of the area median income.

A 12 member Board of Directors governs the HOME Consortium. The Board is composed of three members from each of the four Counties. Waukesha County was designated the "lead agency" when the Consortium was formed. The lead agency takes full responsibility for fiscal management of the HOME funds and compliance with HOME rules and other applicable Federal regulations.

### Programs

The **Down Payment Assistance Loan (DPA)** program provides eligible home buyers with a forgivable loan of up to \$5,000 to be used for down payment and/or closing costs. Homeowners are required to attend housing counseling sessions, which are paid for through program funds. DPA loan is provided as a five-year forgivable loan, meaning that as long as the property remains the borrower's primary residence for five years the loan is forgiven and no repayment is due. The loan is forgiven 20% for each full year.

The HOME Consortium operates a of **Homeowner Rehabilitation Loan Program** to provide low to moderate income households with access to loaned funds for modest home repairs. The loans are provided as no-interest, no monthly payment loans, that are due upon sale or title transfer of the home. Eligible repairs include roofs, mechanical systems, plumbing, windows, foundations, siding, painting and accessibility improvements.

The **Purchase—Rehabilitation Program** is a combination of the DPA and Homeowner Rehabilitation programs. Eligible homebuyers can receive up to \$5,000 for downpayment assistance, and up to \$17,500 for rehab costs. This program is designed to help with the purchase of foreclosed houses, or houses in need of immediate repair. All rehab work must be done in 6 months of purchasing the home, and the focus is on correcting code violations.

The HOME Consortium also allocates funding to **Housing Development** projects, to assist with the construction of affordable housing in the four counties of the HOME Consortium.

### Ozaukee County

Ozaukee County has participated in the HOME Consortium since 1999. Many households have benefited from the HOME programs since that time.

| HOME Consortium Core Program Funds 1998—2014* |                    |            |                       |             |
|---|--------------------|------------|-----------------------|-------------|
|   | Ozaukee County     |            | Total HOME Consortium |             |
|   | Loans              | Households | Loans                 | Households  |
| DPA   | \$957,591          | 204        | \$6,560,299           | 1,547       |
| Rehab Loans                                   | \$307,855          | 43         | \$3,061,456           | 496         |
| Purchase-Rehab<br>Loans (since 2008)          | \$50,111           | 4          | \$1,709,049           | 85          |
| <b>Total</b>                                  | <b>\$1,315,557</b> | <b>251</b> | <b>\$11,330,804</b>   | <b>2128</b> |

\*Loans shown do not include costs paid for by the HOME program for housing counseling fees, inspection fees, and administration fees, or specific County Allocations (discontinued program).

### Affordable Housing Development Projects

- **Ozaukee Chapter Habitat for Humanity: \$157,100**

2007 Acquisition of land for construction of four homes in Port Washington

**Total Funds allocated to Ozaukee County projects for the development or rehabilitation of affordable housing--\$157,100.**

Attachment: HOME Consortium info Ozaukee County (RESOLUTION 3379 : Home Consortium Partner)

## 2016 HOME Board

| NAME                     | ORGANIZATION  | TELEPHONE                                   | FAX            | ADDRESS  |
|--------------------------|---|---|----------------|--|
| <b>ADMINISTRATION</b>    |   |   |                |  |
| Kristin Silva            | Waukesha County<br>Community Development Coordinator                | 262-896-3370                                | 262-896-8510   | 515 W. Moreland Blvd. AC320, Wauk.53188<br><a href="mailto:ksilva@waukeshacounty.gov">ksilva@waukeshacounty.gov</a>                      |
| Lori Rutzinski           | Waukesha County<br>Program Assistant                                | 262-548-7920                                | 262-896-8510   | 515 W. Moreland Blvd. AC320, Wauk.53188<br><a href="mailto:lrutzinski@waukeshacounty.gov">lrutzinski@waukeshacounty.gov</a>              |
| Christina Brockish       | Waukesha County   | 262-548-8311                                | 262-896-8510   | <a href="mailto:cbrockish@waukeshacounty.gov">cbrockish@waukeshacounty.gov</a>   |
| Kathy Kamp               | WI Partnership for Housing Dev. Inc.                                | (608) 258-5560 (ext. 34)                    | (608) 258-5565 | 121 S. Pinckney St. Ste. 420, Madison 53703<br><a href="mailto:kathykamp@wphd.org">kathykamp@wphd.org</a>                                |
| Debbie Narus             | WI Partnership for Housing Dev. Inc.                                | (262) 896-8170                              | (262) 896-8510 | 515 W. Moreland Blvd. AC320, Wauk.53188<br><a href="mailto:debbienarus@wphd.org">debbienarus@wphd.org</a>                                |
| <b>WAUKESHA COUNTY</b>   |   |   |                |  |
| Duane Paulson            | County Board Supervisor   | (262) 542-4174                              |                | 1121 Summit Avenue, Waukesha, 53188<br><a href="mailto:dpaulson@waukeshacounty.gov">dpaulson@waukeshacounty.gov</a>                      |
| Joseph Birbaum           | Senior VP MGIC- Retired<br>President, Village of Oconomowoc Lake    | (262) 567-7785                              |                | 4750 Hewitt's Point, Oconomowoc, WI 53066<br><a href="mailto:joe@birbaum.com">joe@birbaum.com</a>  |
| Christine Howard         | Assistant Vice President<br>Associated Bank                         | (262) 797-7342 (W)<br>(414) 745-6421 (Cell) |                | 19601 W. Bluemound Rd. Brookfield, 53045<br><a href="mailto:christine.howard@associatedbank.com">christine.howard@associatedbank.com</a> |
| Maria Watts (alternate)  | Manager of Community Development<br>WHEDA                           | (414) 227-4706 (W)<br>(414) 750-4454 (Cell) |                | 140 South 1st. Street Ste. 200 Milw. 53204<br><a href="mailto:maria.watts@wheda.com">maria.watts@wheda.com</a>                           |
| <b>WASHINGTON COUNTY</b> |   |   |                |  |
| Peter Sorce              | Washington County Supervisor  | (262) 993-4053                              |                | <a href="mailto:peter.sorce@co.washington.wi.us">peter.sorce@co.washington.wi.us</a>   |
| Dennis Myers             | Washington County Supervisor  | (262)853-8214                               |                | <a href="mailto:myersd@wi.rr.com">myersd@wi.rr.com</a>   |
| Jay Shambeau             | Washington County Supervisor  |   |                | <a href="mailto:jay.shambeau@co.washington.wi.us">jay.shambeau@co.washington.wi.us</a>   |
| <b>JEFFERSON COUNTY</b>  |   |   |                |  |
| Ron Buchanan             | Jefferson County Supervisor   | 920-261-8201                                |                | 809 S. 9th. Watertown, WI 53094<br><a href="mailto:ronbuchanan809@yahoo.com">ronbuchanan809@yahoo.com</a>                                |
| John Kannard             | Jefferson County Supervisor   | 262-495-4618<br>262-470-1177                |                | <a href="mailto:johnk@jeffersoncountywi.gov">johnk@jeffersoncountywi.gov</a>   |
| Dick Schultz             | Jefferson County Supervisor   | 920-563-7452<br>920-650-1595                |                | <a href="mailto:wihsexchange@sbcglobal.net">wihsexchange@sbcglobal.net</a>   |
| Russell Kutz (alternate) | Jefferson County Supervisor   | 920-674-5241                                |                | 1220 Hickory Dr, Jefferson, WI 53549<br><a href="mailto:russellk@jeffersoncountywi.gov">russellk@jeffersoncountywi.gov</a>               |
| <b>OZAUKEE COUNTY</b>    |   |   |                |  |
| Kathleen Schilling       | Executive Director<br>Ozaukee Co. Econ. Dev. Corporation            | (262) 238-7730                              | (262) 284-8100 | 121 W. Main St, Port Washington 53074<br><a href="mailto:kschilling@co.ozaukee.wi.us">kschilling@co.ozaukee.wi.us</a>                    |
| Jay Schreurs             | Port Washington State Bank<br>Vice President Sr. Mortgage Loan Off. | (262) 284-4416                              |                | 206 N. Franklin St, Port Washington 53074<br><a href="mailto:jay.schreurs@pwsb.com">jay.schreurs@pwsb.com</a>                            |
| <b>OPEN</b>              |   |   |                |  |

MUTUAL COOPERATION AGREEMENT  
UNDER  
THE NATIONAL AFFORDABLE HOUSING ACT

The HOME Consortium Program for Federal Fiscal Years 2014-2016

This Agreement is entered into between Waukesha County, a political subdivision of the State of Wisconsin (hereinafter "County") and the City of Mequon, a municipal corporation of the State of Wisconsin (hereinafter "Municipality" and collectively "Parties").

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990(42 U.S.C. § 12701 et seq.) as amended, (hereinafter "NAHA") provides Federal assistance for the HOME Investment Partnership Program (hereinafter "HOME Program"); and

WHEREAS, NAHA allows units of general local government to enter into a mutual cooperation agreement to form a consortium to obtain Federal funds as a participating jurisdiction under the HOME Program (hereinafter "HOME Consortium"); and

WHEREAS, the Parties have mutually developed a Consolidated Plan and Analysis of Impediments to Fair Housing Choice; and

WHEREAS, the Parties have determined that obtaining funds under the HOME Program will increase their ability to provide affordable housing, and meet other identifiable and eligible housing needs of the Municipality's residents; and

WHEREAS, the County intends to apply to the U.S. Department of Housing and Urban Development (hereinafter "HUD") for funds authorized under NAHA; and

WHEREAS, County and the Municipality have determined that joint action is an effective way to accomplish the purposes of NAHA; and

WHEREAS, counties in Wisconsin pursuant to § 59.01, Wis. Stats. and municipalities in Wisconsin pursuant to § 66.0301, Wis. Stats. have the necessary authority to enter into agreements of the type herein contemplated;

NOW THEREFORE, upon the consideration of the mutual promises contained herein, it is agreed between County and Municipality as follows:

SECTION 1 – PURPOSE

- A. The purpose of this Agreement is to establish the mutual desire to cooperate to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities, by means of submitting a Consolidated Plan and Annual Action Plan for HUD HOME funds as a HOME Consortium for Federal Fiscal Years 2014, 2015, and 2016 appropriation and from any program income generated from the expenditure of such funds.
- B. Nothing contained in this Agreement shall deprive any municipality of any power of zoning, development control or other lawful authority that it presently possesses.

SECTION 2 – CONSIDERATION

Municipality, by the execution of this Cooperation Agreement, agrees to comply with this Cooperation Agreement which enables its residents to apply for HOME funds. All funds will be used within the HOME Consortium counties. County agrees to include Municipality as part of its Annual Action Plan to be submitted to HUD under the terms and conditions of NAHA.

SECTION 3– FUNDING

- A. The HOME Consortium shall be governed by a board of directors (hereinafter “HOME Board”). The HOME Board, by mutual agreement, shall establish “core” programs, which shall serve to benefit residents of each participating municipality and county equally. The annual distribution of “core” project funding shall continue until all allocated funds on a first come first serve basis are fully committed to eligible households.
  - a. Core programs may include, but are not limited to:  
Downpayment / Closing Cost, Housing Rehabilitation, Homebuyer Counseling, Rental Rehabilitation, Rental Assistance, Purchase / Rehab or Housing Development.
  - b. HOME regulations require that 15% of HOME funds received on an annual basis must be set-aside and utilized for HOME programs using a HUD eligible Community Development Organization (CHDO), who will either own, develop, manage or sponsor a housing project.

Attachment: City of Mequon MUTUAL COOPERATION AGREEMENT 5.2.16 (RESOLUTION 3379 : Home Consortium Partner)

- B. The HOME Board shall determine the allocation of HOME funds within the HUD regulation limits for program administration to Waukesha County, as the lead agent (PJ), not to exceed 10% of the annual grant.
- C. HOME regulations require that match funds or credit shall be provided at \$0.25 for every dollar spent as part of HOME programming. This match is generally provided through pledged commitments by developers of affordable housing projects. If a match cannot be provided through development projects, it shall be the responsibility of the HOME Consortium, as a whole, to provide match funds.
- D. No participating municipality / county will need to provide any funds for the administration / operation of the HOME Program.

SECTION 4 – ACTIVITIES

- A. Municipality and County agree to undertake all actions necessary to assure compliance with County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. In addition, Municipality and County shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, and other applicable laws.
- B. Noncompliance by Municipality with any of the provisions above may constitute noncompliance by County which may provide cause for funding sanctions or other remedial actions by HUD.
- C. Municipality shall establish and maintain appropriate record keeping and reporting of any retained program income and make such available in order to meet the monitoring and reporting responsibilities to the U.S. Department of Housing and Urban Development.
- D. Municipality shall cooperate to undertake, or assist in undertaking, community renewal, lower-income housing assistance activities, and other eligible HOME Program activities in compliance with the regulations at 24 CFR Part 92.
- E. Municipality shall take affirmative action to further fair housing in its jurisdiction. Such actions may include planning, education and outreach, and enforcement components.

- F. HOME Consortium funding is prohibited for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes County's actions to comply with its fair housing certification.
- G. Municipality shall select at least two (2) action items from the list below to affirmatively further fair housing for the duration of this Agreement. Items listed are from the 2015—2019 Analysis of Impediments to Fair Housing Choice for Waukesha County and the HOME Consortium. Municipality shall keep records documenting actions taken to affirmatively further fair housing and provide an annual report to County of such actions within 15 days of the end of the calendar year. Municipality shall obtain updated versions of the Analysis of Impediments to Fair Housing Choice when they are published every five years and select action items from the current document.

**a. Impediment #1: Zoning Regulations and Housing Mix Ratios that Reduce Opportunities for Affordable Housing Development**

1. In municipalities served by sewer service, allow for the development of new single-family and two-family homes on lots of 10,000 square feet or smaller.
2. Allow for home sizes less than 1,200 square feet.
3. In municipalities served by sewer service, allow for the development of multi-family housing at a density of at least 10 units per acre.
4. To support higher density residential development, expand sanitary sewer services consistent with adopted Regional Sewer Service Plans.
5. Adopt flexible zoning regulations such as Planned Unit Developments (PUD) and Traditional Neighborhood Developments (TND) to permit higher densities and a mix of housing types.
6. Adopt inclusionary zoning provisions, such as higher density allowances and a waiver or modification of other development standards where certain set-asides are made for affordable housing for moderate and low-income families.

7. Amend design regulations to promote flexibility in development and construction costs.

**b. Impediment #2: Lack of Fair Housing Knowledge**

1. Attend a fair housing seminar or educational opportunity.
2. Provide education or training for rental property owners and managers on the requirements of the Fair Housing Act, the definitions of protected classes, discriminatory practices, and potential consequences for non-compliance.

**c. Impediment #3: Imbalance Between Job Centers and Affordable Housing Options**

1. Encourage the development of new affordable and/or mixed-income housing near job centers by offering density bonuses, fee waivers or other incentives.

**d. Impediment #4: NIMBY/Prejudiced Attitudes**

1. Develop and integrate appropriate diversity awareness information into staff and organizational development training.
2. Create and disseminate information regarding what affordable, workforce and mixed-income housing is and what economic benefits they offer to your community, via printed materials, training sessions, website education or other methods.
3. Participate in regional housing initiatives and collaborative efforts.

**e. Impediment #5: Limited Housing Options for People with Disabilities and the Aging Population**

1. Prioritize public funding for housing developments that address the needs of people with disabilities or the elderly.
2. Adopt or promote construction design concepts such as universal design (UD) and Visit-ability standards and features in all new

housing, including consideration of providing density bonuses or other incentives to encourage such housing.

- H. Municipality, as a cooperating unit of general local government, attests that it has adopted and is enforcing:
  - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
  - b. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

SECTION 5- HOME PROGRAM ADMINISTRATION

A. DEFINITIONS

- a. "Member" means a unit of local government or a county representing townships which signs this Agreement or a substantially similar agreement, and therefore is a member of the HOME Consortium organized to carry out eligible activities under the HOME Program.
- b. "Representative Member" means the unit of local government which acts as a representative of all Members for the purposes of this Agreement. The Representative Member shall assume responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of 24 CFR Part 92 and 01 , the requirements of 24 CFR § 92.350 (a) (5) , and the requirements of the Consolidated Housing and Community Development Plan.
- c. Waukesha County shall be the Representative Member and shall carry out all necessary overall responsibilities for the HOME Consortium, with the cooperation of all Members, consistent with the HOME Program regulations. Waukesha County may elect with the approval of the HOME Board through a Request for Proposal designate a portion of Administration funds to another entity to administer specific HOME programs.
- d. Each Member shall submit in a timely manner to the Representative Member all information necessary for participation in the HOME Consortium. This includes, but is not limited to, all information necessary for the Consolidated

Attachment: City of Mequon MUTUAL COOPERATION AGREEMENT 5.2.16 (RESOLUTION 3379 : Home Consortium Partner)

Plan, the program description and certifications (24 CFR § 92.150), written agreements executed with subrecipients, and performance reports.

- e. Each Member of the HOME Consortium shall start the HOME Program years on January 1<sup>st</sup> of each qualified year.
- f. Each participating county shall have not less than a three person representation on the HOME Board appointed by the county executive or county board chairman. Each participating county may also designate one alternative member. Representative Member, as the lead agent, with the approval of the HOME Board, is authorized to amend the HOME Consortium Agreement on behalf of the entire HOME Consortium to add new members to the HOME Consortium.

SECTION 6 – RESTRICTIONS

- A. Neither County nor Municipality shall have a veto or other restrictive power which would in any way limit the cooperation of the Parties to this Agreement or obstruct the implementation of the approved Consolidated Plan during the period covered by this Agreement.
- B. Municipality may not receive an individual formula allocation under the HOME Program except through the HOME Consortium created by this Agreement, regardless of whether Consortium receives a HOME formula allocation in a particular year.

SECTION 7 – DURATION OF THIS AGREEMENT

- A. This Agreement was voted on and approved by Municipality’s Common Council on May 10, 2016. Municipality clearly understands and accepts its responsibilities henceforth. This Agreement is in force for Federal fiscal years 2014, 2015 and 2016 and for such additional time as may be required for the expenditure of program income received and of funds granted through The Act and NAHA to County for such period, as defined by HUD regulations and included within HUD CPD Notice 13-04. Municipality shall not have the opportunity to terminate or withdraw from this Agreement during the period that this Agreement is in effect. This Agreement shall be in effect until the CDBG and HOME funds and program income received with respect to activities carried out during Federal fiscal years 2014, 2015 and 2016 are expended and the funded activities completed.
- B. This Agreement, in accordance with Federal regulations, provides for an automatic renewal for each successive three-year qualification period provided that the County notifies each participating unit of general local government in writing of its right not to

Attachment: City of Mequon MUTUAL COOPERATION AGREEMENT 5.2.16 (RESOLUTION 3379 : Home Consortium Partner)

participate for the successive three-year qualification period by the date specified in HUD's urban county qualification notice for the next qualification period. A Municipality electing to opt-out of a successive qualification period must notify the County in writing.

- C. Municipality and County agree to adopt any amendment to this Agreement incorporating the changes necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period. Failure to adopt, execute and submit amendment requirements will void the automatic renewal provision for such qualification period.

This Agreement is executed by the respective Parties as Members of a HOME Consortium partnership. In so doing, all existing municipalities and governing bodies are agreeing to participate under the terms of the HOME Consortium partnership with any other municipality or governing body which has joined or subsequently joins the partnership.

The terms and provisions of this Agreement are fully authorized under state and local law and that this Agreement provides full legal authority for the signatory parties to undertake or assist in undertaking HOME Program Consortium activities.

County and Municipality have authorized this Agreement and attest that this Agreement is executed by the chief executive officer of each entity.

By: \_\_\_\_\_  
 Print Name \_\_\_\_\_  
 Title \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Print Name \_\_\_\_\_  
 Title \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Print Name \_\_\_\_\_  
 Title \_\_\_\_\_

Date: \_\_\_\_\_

Attachment: City of Mequon MUTUAL COOPERATION AGREEMENT 5.2.16 (RESOLUTION 3379 : Home Consortium Partner)

By: \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_

Date: \_\_\_\_\_



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Office of Human Resources

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**TO: Public Welfare Committee**  
**FROM: Jesse Thyges, Asst City Administrator/Human Resource Manager**  
**DATE: May 10, 2016**  
**SUBJECT: Consideration of Ordinance Amending Sections 2-136 (2) and 2-137(b)(9) of the Mequon Municipal Code in Connection with Establishing an Honesty Definition and Provision within the City's Ethics Code**

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**Background**

The City's Ethics Board was created in 1978 and a formal Code of Ethics was 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.

The Ethics Code and the Employee Personnel Code were last updated in 2015. The amendments included:

- Section 2-137(b)(8) of the Ethics Code now specifically prohibits dishonestly obtaining a financial gain.
- Section 2-230 (1) of the Personnel Code now specifically includes the term "honesty" within the expectations of conduct.
- Section 2-230 (1)(c) of the Personnel Code now specifically includes "dishonesty" as an action that may warrant disciplinary action.

Subsequently, the Public Welfare Committee provided sample language pertaining to a definition of the term honesty as well as sample provisions of honesty and fair dealings for staff and elected officials alike.

At the March 2016 Public Welfare Committee meeting staff presented amendments establishing an affirmative duty upon City officials and employees to act honestly in their dealings with the public and each other. The Committee provided direction that a specific definition of the term honesty be included in the ordinance amendment. 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". The approved March meeting minutes are attached Exhibit A.

At the April 2016 committee meeting staff presented the entire Ethics Code (Sections 2-135 through 2-148 of the City's Code of Ordinances) and answered questions about procedure and consequences when addressing an ethics complaint. Specifically, staff noted Section 2-145, which sets forth the ethics hearing procedure, and Section 2-146(b), which establishes consequences for ethics violations. Staff also reviewed the Ethics Code codification history and recommended that the Ethics Board oversee any revisions to the Ethics Code, as provided in Section 2-140(b) of the Municipal Code. Direction was given for staff to prepare an ordinance amendment that incorporates a definition of honesty for the Public Welfare Committee to review and discuss prior to a making a recommendation to the Ethics Board for further review and consideration.

**Analysis**

Before the Committee is a proposed amendment to the City's Ethics Code (Exhibit B) which defines the term "honest and truthful" and establishes it as an applicable ethical guideline for staff, elected and appointed officials, and contracted employees (i.e. Assessor, Attorney, etc.).

The honesty definition can be found in Sec. 2-136 (2) [*page 1, Exhibit B*] and the honesty provision can be found in Sec. 2-137(b)(9) [*page 3, Exhibit B*] respectively.

**Fiscal Impact**

There is no applicable fiscal impact.

**Recommendation**

Should the Public Welfare Committee recommend adoption of the proposed amendments, it is recommended that the amendments be forwarded to the Ethics Board for their review and consideration in accord with Section 2-140(b) of the Municipal Code.

Pending the Ethic Board's concurrence with the ordinance amendments as recommended by the Public Welfare Committee, it is anticipated that proposed ordinance language would be reviewed with the Public Welfare Committee again prior to consideration by the full Common Council.

**Attachments:**

Exhibit A\_Public Welfare Meeting Minutes\_March 2016 (PDF)

Exhibit B\_proposed ethics code amendment (PDF)



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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.

**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

## DIVISION 3. - ETHICS

## 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.

## 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.

Honest and truthful means conduct that is free of deceit and untruthfulness and is in accordance with facts or reality known to the person at the time the conduct is engaged.

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.

## 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:
  - a. 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
  - b. At an open hearing at which a stenographic or other record is maintained; or
  - c. 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:
- a. 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.
  - b. 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.
  - c. 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.
- (9) No city official or employee may, in that official's or employee's dealings with the public and/or other city officials or employees, act in any manner that is not honest and truthful.
- (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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Secs. 2-149—2-179. - Reserved.



11333 N. Cedarburg Rd  
 Mequon, WI 53092-1930  
 Phone: 262-236-2914  
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Clerk

**TO: Public Welfare Committee**  
**FROM: Caroline Fochs, Deputy City Clerk**  
**DATE: May 2, 2016**  
**SUBJECT: Official Newspaper Designation**

**Background**

The City of Mequon is a 4<sup>th</sup> Class City, and as such, must designate an official newspaper in which to publish public notices. Wis. Stats. 985.06(2) mandates that the Council, at its first meeting, shall designate one or more eligible newspapers. This newspaper must be published in the city, or published in the county and having a general circulation in the city, for publication of the council proceedings and the city's legal notices. An eligible paper is one that:

- Is regularly and continuously published in the city at least two of the last five years
- Has paying subscribers of not less than 300 copies
- Has a publication appearing in regular intervals and at least once per week, containing reports of happenings of recent occurrences of a varied character

**Analysis**

The City of Mequon has two options for an official newspaper under this criteria; *News Graphic* and *NS NOW*. Below are comparisons of subscription rates and cost.

|  | <i>News Graphic</i> | <i>NS NOW</i> | <i>Milwaukee JS</i> |
|--|---------------------|---------------|---------------------|
| Paid subscription rates for Mequon 2015                            | 1,603               | 2,849         | 4,296               |
| Legal Notices: First insertion-per line cost                       | \$0.36              | \$0.65        | \$8.86              |
| Legal Notices: Second and subsequent insertions-per line cost      | \$0.28              | \$0.53        | \$8.86              |
| Display Ads: First insertion-per column inch cost                  | \$5.34              | \$6.50        | \$102.00            |
| Display Ads: Second and subsequent insertions-per column inch cost | \$4.19              | \$5.30        | \$102.00            |
| Affidavits   | \$1.00              | \$1.00        | \$1.00              |
| Actual/Estimated 2015 Cost   | \$4,612.00          | \$8,330.00    | \$115,365           |

Staff also contacted *Ozaukee Press*. They indicated they do not meet the state requirements. They do have a subscription base in Mequon, however they have less than 300 subscribers, and they do not cover city government or school events.

The *News Graphic* was recommended for designation due to it being the most cost effective newspaper and its publication frequency. *NS NOW* publishes once weekly where the *News Graphic* publishes twice weekly. Publishing twice weekly gives staff much more flexibility in coordinating publications.

**Fiscal Impact**

The majority of the City's publication costs are public hearing notices, Common Council minutes, and ordinances, thus falling under the "Legal Notices" fees. The City also publishes display ads occasionally throughout the year. The City spent \$4600 in 2015 for the publication of all legal notices. Should the City chose to name *NS NOW* as the Official Newspaper, the cost to publish legal notices would increase, to \$8,330.

The *Milwaukee Journal* was also contacted in anticipation that the Committee may be interested in publishing notices in this paper in addition to the Official Newspaper. Costs for publication of notices were twenty times that of the *News Graphic*. See attached bid quotes for details.

**Recommendation**

Staff recommends remaining with the *News Graphic* as the Official City Newspaper for the City of Mequon.

**Attachments:**

Newspaper quotes (PDF)

# Legal Bid

## Contact Information

Newspaper Name:  
News Graphic

Physical Address:  
W61N306 Washington Ave  
Cedarburg, WI 53012

Mailing Address:  
PO Box 47  
Cedarburg, WI 53012

Legal Ad Contact:  
Teri Malczewski

Phone: 262-513-2697  
Fax: 262-542-2015  
Email: [freemanlegals@conleynet.com](mailto:freemanlegals@conleynet.com)

Manager:  
Cindy Shaske  
262-306-5016  
262-338-5271  
[cshaske@conleynet.com](mailto:cshaske@conleynet.com)

## Affidavit Coordinator:

Teri Malczewski

Phone: 262-513-2697  
Fax: 262-542-2015  
Email: [freemanlegals@conleynet.com](mailto:freemanlegals@conleynet.com)

## Publishing Information

| Mon | Tue | Wed | Thu | Fri | Sat | Sun |
|-----|-----|-----|-----|-----|-----|-----|
| na  | X   | na  | X   | na  | na  | na  |

\*\*Deadline for publication days is by 11am

|    |                |    |                |    |    |    |
|----|----------------|----|----------------|----|----|----|
| na | Thur -<br>11am | na | Tues -<br>11am | na | na | na |
|----|----------------|----|----------------|----|----|----|

Or 2 day(s) prior by 11am

Newspaper of General Circulation -- **yes**

Serving the county Ozaukee in the state of Wisconsin, see below for cities covered

We do publish foreclosures and other notices.

Newspaper is published more than once a week, it's published 2 days a week.

Newspaper has been published more then one year.

## Legal Bid

Affidavits are mailed out after last publishing date.

### Billing Information

|                   |    |        |
|-------------------|----|--------|
| Cost per line:    | \$ | 0.3548 |
| # lines per inch: |    | 9      |
| Cost per inch:    | \$ | 3.19   |

Subsequent runs \$0.2800

plus Affidavit cost \$1.00

|            |   |
|------------|---|
| Font size: | 7 |
|------------|---|

|             |     |
|-------------|-----|
| Point Size: | 7.4 |
|-------------|-----|

|                  |     |
|------------------|-----|
| Width in inches: | 1.1 |
|------------------|-----|

|                       |        |
|-----------------------|--------|
| Cost per column inch: | \$5.34 |
|-----------------------|--------|

Subsequent runs \$4.19

Ad choices fall between 2 columns wide up to 9 columns & 1 inch in height up to 21 inch

To get cost we multiply the # of columns by # inches then multiply by cost.

plus Affidavit cost \$1.00

Camera ready/formatted notices are accepted via email.

If the event of a mistake or failed publication due to internal error on newspapers part, we will republish at next available date if applicable or issue credit as warranted.

| Zip Code    | City               | Circulation |
|-------------|--------------------|-------------|
| 53012       | CEDARBURG          | 2496        |
| 0           | STORES             | 454         |
| 53024       | GRAFTON            | 1355        |
| 53074       | PORT WASHINGTON    | 72          |
| 53080       | SAUKVILLE          | 73          |
| 53092/53097 | MEQUON/THIENSVILLE | 1603        |
|             | TOTAL CIRCULATION  | 6053        |

MILWAUKEE • WISCONSIN  
**JOURNAL SENTINEL**

March 22, 2016

Kathleen Andrykowski

Dear Kathleen,

The following is The Milwaukee Journal Sentinel's bid for publishing Mequon's legal notices and council proceedings for the coming year in CNI Community Newspapers (Mequon NOW). \* All legal notices may be posted online under Public Notices in the Classified Section . The bid is made in accordance with Section 985 of the Wisconsin State Statutes. The Community Newspapers have a loyal following and a broad reach in their individual communities. They are sought out as the trusted source of news and information every week.

|   | 1 <sup>st</sup><br>insertion<br><u>per line</u>        | 2 <sup>nd</sup><br>insertion<br><u>per line</u>        |
|---|--|--|
| a) For council proceedings:   | \$0.65   | \$0.53   |
| b) For the city's legal notices:  | \$0.65   | \$0.53   |
|   | 1 <sup>st</sup><br>insertion<br><u>per column inch</u> | 2 <sup>nd</sup><br>insertion<br><u>per column inch</u> |
| c) For display ads, sample ballots,<br>and other matter set in a display<br>format: | \$6.50   | \$5.30   |
|   | <u>per affidavit</u>                                   |  |
| d) For affidavit:   | \$1.00   |  |

These rates are below the rates currently allowed by Wisconsin State Statutes.

\* CN NOW Online. \$5.00 per insertion (Upsell)

Sincerely,

Kelly Wood  
Vice President Circulation & Customer Care  
Journal Community Publishing Group

**Caroline Fochs**

**Subject:** FW: Legal bid for Mequon's Official Newspaper; 2016-2017

**From:** Holly Ostermann [<mailto:holly@ozaukeepress.com>]  
**Sent:** Tuesday, April 26, 2016 1:21 PM  
**To:** Kathleen Andrykowski  
**Subject:** Re: Legal bid for Mequon's Official Newspaper; 2016-2017

Good Afternoon Kathleen, thanks for the email, unfortunately **Ozaukee Press** does not meet your requirements. We do have subscription base in Mequon, and we do sell the newspaper in some outlets, however, we do not cover city government or school events, and we have less than 300 subscribers.

I would assume that the News Graphic would be your newspaper, as they do cover it editorially.

Any questions please feel free to contact me at any time,

Holly  
On Apr 26, 2016, at 12:50 PM, Kathleen Andrykowski wrote:

Dear Holly,

Wisconsin Statutes 985.06 states that Common Council of cities of fourth class shall designate one or more official city newspaper(s) for publication of the city's legal notices for the ensuing year.

This is my community's request that **Ozaukee Press** submit a bid proposal to become the **City of Mequon's official newspaper for the period May 2016 – April 2017**. The requirements in order to submit a bid are outlined below:

- Have been published regularly and continuously in the city (at least 2 of the 5 previous years)
- Have actual subscribers at each publication not less than 300 copies
- Have a publication appearing at regular intervals and at least once a week – containing reports of happenings of recent occurrence of a varied character, i.e. political, social, moral and religious subjects designed to inform the general reader.

If your newspaper meets all of these qualifications, kindly submit your bid via e-mail to me at [kandrykowski@ci.mequon.wi.us](mailto:kandrykowski@ci.mequon.wi.us), or fax to me at 262-242-9655. The usual info is requested...

Overall subscription numbers  
Subscription numbers for Mequon, WI  
Publication costs for 1st and subsequent Insertions  
Display advertising costs  
Affidavit costs  
Dates of publication, etc.

Caroline Fochs

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**Subject:**

FW: Legal bid for Mequon; Journal-Sentinel costs & circulation

**From:** LEGAL [mailto:LEGAL@jmg.com]

**Sent:** Wednesday, April 27, 2016 3:31 PM

**To:** Kathleen Andrykowski

**Subject:** Re: Legal bid for Mequon; Journal-Sentinel costs & circulation

Overall subscription numbers of J-S 190,485

Subscription numbers for J-S in Mequon, WI 4,296

Publication costs for 1st and subsequent insertions Mon-Sat Line rate \$8.86. Sun \$12.43

Display advertising costs Mon-Sat \$102 per col inch, Sun \$156

Affidavit costs \$1.00

Dates of publication, etc. Daily ( Monday-Sunday)

Please let me know if you need any more information.

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