



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, July 12, 2016

6:00 PM

***Lower Conference Room**

Agenda

***Addendum #1**

1. Call to Order, Roll Call
2. Approval of June 14, 2016 Meeting Minutes
 - a. Public Welfare Committee - Regular Meeting - Jun 14, 2016 5:30 PM
3. Discussion Items
 - a. Review and Discussion of the City's Current Policy Concerning the Televising of Meetings Involving the Mequon Common Council
 - b. Consideration of An Ordinance Amending the City's Ethics Code to Include An Honesty Provision
 - c. Boards and Commissions Review: 2016-17 Proposed Work Plan (Draft)
4. Information Items
 - a. Public Welfare Committee FY2016-2017 Work Plan
5. Adjourn

Dated: July 12, 2016

/s/ Dale Mayr, Chairman

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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.



DRAFT

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Office of the City Administrator

**PUBLIC WELFARE COMMITTEE
Tuesday, June 14, 2016
Minutes**

1. Call to Order, Roll Call

Present:

Alderman Dale Mayr
Alderman Mark Gierl
Alderman John Wirth

Also Present: City Administrator Jones, Assistant City Administrator Thyges, Community Development Director Tollefson, City Attorney Sajdak, Executive Assistant Prosser

2. Approval of May 10, 2016 meeting minutes

a. Public Welfare Committee - Regular Meeting - May 10, 2016 5:45 PM

RESULT: Accepted [Unanimous]
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Wirth

3. Ordinances

Action requested: review and recommend approval

a. ORDINANCE 2015-1452 : Chapter 58 Text Short Term Rentals

Alderman Wirth inquired whether short and long term rentals have been a problem in the City of Mequon. Community Development Director Tollefson stated there have been calls regarding a few circumstances. Ms. Tollefson recognized Alderman Wirth had not been part of the initial discussions with the Public Welfare Committee and went on to provide an overview of past discussions with regard to potential operational standards for short and long term rentals.

Upon completion of Ms. Tollefson’s overview, Alderman Gierl stated the ordinance regulates against a problem that does not exist. Alderman Wirth stated he still had a number of questions he would like answered. Alderman Mayr mentioned the item could be tabled to provide for more time Alderman Wirth’s questions to be answered.

RESULT: Tabled [Unanimous]
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Gierl

Minutes Acceptance: Minutes of Jun 14, 2016 5:30 PM (Approval of June 14, 2016 Meeting Minutes)

AYES:	Mayr, Gierl, Wirth
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4. Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 3379** A Resolution Relating to the City of Mequon's Participation In the Home Investment Partnership Program Administered by Waukesha County

Community Development Director Tollefson stated at the May Public Welfare Committee meeting further information was requested regarding the Home Investment Partnership Program administered by Waukesha County with regards to its effectiveness, participation by other municipalities and the impact of the City's participation. Ms. Tollefson stated that the Village of Belgium is the only municipality in Ozaukee County that is not participating in the program and there are five municipalities within all four counties (Ozaukee, Washington, Waukesha and Jefferson) that do not participate in the program. Ms. Tollefson reported the default rate of the program is less than 1% with circumstances due to loss of employment or illness, not due to poor financial choices.

Ms. Tollefson informed the Committee that one of the criteria for funding the program is based on population which could have an overall impact on the available funds for the program as communities decide to discontinue their partnership. Ms. Tollefson stated there have been a total of seven programs administered in the City of Mequon which included four home buyers receiving down payment assistance, and three homeowners receiving rehabilitation loans.

Ms. Tollefson pointed out that two resolutions have been prepared should the Committee choose to support continued participation in the program or to decide to no longer be a partner.

The Committee voted to send Resolution 3379 to the Common Council with no recommendation.

RESULT: No Recommendation [Unanimous]
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Gierl

AYES:	Mayr, Gierl, Wirth
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5. Discussion Items

a. FY2016 Items for Consideration - Public Welfare Committee

Assistant City Administrator Thyges stated that at the May meeting of the Public Welfare Committee, staff was directed to gather feedback from Committee members regarding potential work items to consider for the upcoming year. Mr. Thyges reviewed the summary of items submitted by the Committee and referenced a handout that was distributed to the Committee with additional work items not included in the summary. The Committee

reviewed the proposed meeting calendar to determine the priority of the work items. Alderman Gierl requested a review of the City’s record retention policy be added as a work item.

The Committee decided to move several work items up to the July 12th meeting; public notice procedure review and consideration of a policy pertaining to televising meetings. The Committee decided to briefly discuss how to proceed with the review of the City’s board/commission/committee ordinances due to the number of items on the July 12 meeting agenda.

Alderman Mayr requested a review of work items to be placed on every Public Welfare Committee meeting agenda.

6. Information Items
a. Ethics Code Verbal Update

Assistant City Administrator Thyes reported that an Ethics Board meeting has been scheduled for June 21. Mr. Thyes stated the Board will review the Public Welfare Committee’s recommended amendments in connection with establishing an honesty definition and provision within the City’s Ethics Code. Mr. Thyes noted depending on the Ethics Board’s deliberation, the item may come back to the July 12 Public Welfare Committee meeting.

7. Adjourn

The Public Welfare Committee meeting was adjourned at 6:12 PM.

RESULT: Approved by Voice acclamation [Unanimous]
MOVED BY: Alderman Wirth
SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Wirth

Minutes Acceptance: Minutes of Jun 14, 2016 5:30 PM (Approval of June 14, 2016 Meeting Minutes)



11333 N. Cedarburg Road
Mequon, WI 53092-1930
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Office of Administration

TO: Public Welfare Committee
FROM: William Jones, City Administrator
DATE: July 12, 2016
**SUBJECT: Review and Discussion of the City's Current Policy Concerning the
Televising of Meetings Involving the Mequon Common Council**

Background

In June, the Public Welfare Committee directed that a discussion regarding the City's policy of televising meetings involving the Common Council be brought forth for review and discussion at the Committee's July meeting. As referenced in the Committee's listing of items for consideration during 2016-17 that is included in the July 2016 meeting packet, it has been suggested that the Committee consider a policy to have all meetings of the Common Council, in whatever form, televised on Channel 25. In addition to all regularly scheduled meetings of the Common Council, this would include any Committee of the Whole meetings, Sewer & Water Utility Board meetings, Appropriations Committee meetings and any other meeting that includes all members of the Common Council.

Analysis

Attached for reference is a copy of the City's current policy for the administration of Government Access Channel 25. As indicated in Section 3.B on page 2 of the document, current City policy stipulates that Common Council, Planning Commission and all meetings of the Appropriations Committee shall be televised. As further discussed below, the cost impact associated with this requirement in 2015 totaled nearly \$9,000.

In addition to the 25 televised meetings that were held by the Common Council and the Planning Commission in 2015, three (3) budget planning workshops were conducted by the Committee of the Whole in August and September 2015. These meetings were held offsite at both Concordia University and the Weyenberg Library, and were not televised. In 2016, the Common Council has so far conducted two workshop meetings to consider various matters related to the continued development of the Mequon Town Center Zoning District, and the Council is scheduled to convene an additional Committee of the Whole Workshop meeting on July 19 to consider issues related to long-range financial planning and development of the City's FY2017 budget. To date in 2016, neither of the two completed workshop meetings in March and June, nor the planned July workshop meeting, are scheduled to be taped and/or televised on Government Access Channel 25.

In recent years, as video streaming capability on the internet has become more commonplace, many consumers have discontinued service through their local cable television providers. As this trend continues, there may come a point in time where it is no longer effective or efficient to continue broadcasting on Channel 25, which is only available to subscribers of Time-Warner Cable. In response to this emerging trend, the City has begun to post all televised meeting videos on YouTube, which unlike television broadcasts, are available on demand at any time.

Additionally, as the City more fully transitions to implementation of its new agenda management software program (Accela), archived meeting broadcasts will be accessible directly from the City website, in a format that aligns the video with an indexed meeting agenda. Over time, the City may also be able to further reduce its video production costs through the purchase and installation of automated cameras and production equipment.

In connection with this policy discussion, the Committee may also wish to consider instances where it may not make sense (financially or logistically) to televise a meeting of the Common Council. Examples might include specifically defined closed session or emergency meetings to address matters relating to personnel or litigation (where roll call and adjournment must take place during the portion of the meeting that is open to the public), or a strategic planning session/retreat-style meeting that may span one or more days.

Fiscal Impact

As indicated in the City's current policy, all meetings of the Common Council, the Appropriations Committee and the Planning Commission are currently televised on Government Access Channel 25. Prior to 2016, the rate paid to the City's contracted videographers for both the taping and live broadcasting of these meetings was \$325 per meeting, plus \$60 per hour for any time extending beyond two hours. Beginning in 2016, this rate was reduced to a flat fee of \$275 per meeting, regardless of length.

As indicated in the table below, and assuming approximately the same number of meetings will be conducted by the Common Council and Planning Commission in both 2015 and 2016, it is anticipated that the City will save about \$2,000 on a year-over-year basis under the revised rate structure. If the Committee wishes to amend the City's current policy to include any additional meetings of the Common Council/Committee of the Whole, it is anticipated that such cost savings would be reduced by roughly \$800 - \$1,100 per year, based on a rough estimate of the need to televise an additional 3-4 meetings per year.

	2015			2016		
	Rate	Meetings	Total	Rate	Meetings	Total
Planning	\$325 + \$60/Hr. After 2 Hours	11	\$3,965	\$275 (Flat)	10	\$2,750
Council		14	\$4,760		14	\$3,850
TOTAL		25	\$8,725		24	\$6,600

Based on the number of separate meetings (4) the Common Council conducted as either the Sewer or Water Utility District Commission during 2015, it is estimated that the cost to televise these meetings (or a combination thereof) would equate to an additional \$1,100 in televising costs each year.

Recommendation

Given the City's ongoing conversion to both a new agenda management system and a new City website, staff is supportive of including additional meetings of the Common Council (Committee of the Whole, workshop meetings, other, etc.) within the City's policy for the televising of such. Having these meetings broadcast and videotaped will allow staff to upload such video files to the City website, where they can be accessible to the public, along with Common Council meeting agendas, packets and minutes.

Given the variability in timing and duration of Sewer and Water Utility District Commission meetings, the potential added cost, and the fact that the City's water and sewer utility districts only pertain to certain areas of the community, respectively, staff recommends that these meetings not be included as requirements under the City's broadcasting policy at the present time. Alternatively, if there is a desire to add the televising of the City's Sewer and Water Utility District Commission meetings to the City's meeting broadcast policy, staff recommends that such be considered in conjunction with other expenditures that may be proposed as part of the City's FY2017 budget.

Attachments:

Government Access Channel 25 Policy (PDF)

MIKE GROSS CONTRACT - 2016 (PDF)



C. GOVERNMENT ACCESS CHANNEL 25 POLICY

1. OBJECTIVE

Under the policy direction of the Public Welfare Committee, the City of Mequon's Government Access Cable Channel 25 shall be administered by the City Clerk with the following objectives:

- To provide information about city government to the citizens of Mequon.
- To widen the dissemination of the activities of the legislative, administrative and advisory bodies of the City of Mequon.
- To increase the knowledge of the citizens of Mequon in regard to the various functions performed by their government.
- To provide additional information to citizens needing access to various City departments.

2. PROGRAMMING POLICY

A. Mequon's Government Access Channel 25 shall provide direct, non-editorial information to the citizens of Mequon concerning their City government. The cable channel is not intended as a political forum or as a mechanism for building support for a particular policy, program or issue. Press conferences held for the purpose of providing information to the public but not for advocating a political position may be cablecast. Requests for access to the cable channel for the purpose of advocating a personal viewpoint shall be denied.

B. The Mequon Government Access Channel shall not be used for the following purposes:

1. Any advertising message including specific messages on behalf of or opposing any political candidate or measure on a ballot. Candidates for election or re-election to any elective office shall not be permitted to make personal statements, except as part of a formal public meeting, candidate forums to which all candidates for a particular office have been invited, civic celebration or public ceremony, from the first day authorized by law for circulation of nomination papers as a candidate.
2. Any advocacy message on behalf of or opposing any measure proposed by a City department or under consideration by the Common Council, County Board, State Legislature, U.S. Congress or any other legislative, policy making, judicial or advisory body.
3. Any advertising or other information that promotes the sale of any product or service offered, except for promotional announcements for City-sponsored events or as may otherwise arise during a Common Council, Planning Commission or other official City meeting.
4. Any direct solicitation of funds for any reason except fund raising only for Council-approved City-sponsored capital fund drives.
5. Any presentation of obscene or defamatory material.
6. Any endorsement of specific brand names of products for consumer use.

7. Any advertising or other information concerning any lottery, gift enterprise or similar promotion, regardless of benefit or cause.
8. Any material which would violate any local, state or federal law.

3. OPERATIONAL PROCEDURES

A. Modes of Operation

1. Live Cablecast - This will consist of public meetings, events and programs, where live cablecast is technically feasible.
2. Tape Delayed Cablecast - Many public meetings and events will be videotaped for cablecast at a later time. Some will be cablecast both live and subsequently by tape at other appropriate times. Because of technical considerations or programming conflicts, some meetings may only be taped for playback at a later time.
3. Locally Produced Programs - Programs will be produced by the video production specialist of the City Channel to illustrate functions and operations of City departments and agencies.
4. Character Generator Text Messages - Printed on-screen text messages regarding City services and events are available to all City departments and City-funded projects.
5. Local Affiliate Repeats - Arrangements may be made for repeat cablecast of programming relating to the City of Mequon produced by local broadcast affiliates.

B. Access Policy

1. Public Meetings - Common Council, Planning Commission and all meetings of the Appropriations Committee shall be televised; other meetings shall be approved through the Public Welfare Committee. Any member of the Common Council may request a review by the Common Council as a whole of the decisions made by the Public Welfare Committee. All live cablecasts and tapings of such meetings will be coordinated in advance through the City Clerk's Office or other involved parties. Coverage of public meetings will generally adhere to the protocol observed in Robert's Rules of Order, as well as the Common Council Rules and Procedures.
2. Informational Programming - All City departments may submit requests to initiate programming of an appropriate nature for the City Channel. Such programming may be locally produced or obtained from alternative sources. Only those tapes consistent with the overall operating policy of the City Channel shall be cablecast. All programming requests must be submitted in writing to the City Clerk's Office. A copy of each request shall be maintained on file in the City Clerk's Office.
3. Character Generator Messages - Information for character generated messages may be submitted by any department. All requests must be submitted on a Government Access Channel Service Request Form, which is available in the City Clerk's Office.

C. Editing Policy

1. Public Meetings - Any cablecast of official public meetings shall not be edited or subject to editorial comment. Meeting coverage shall be from beginning to end, whenever possible.
2. Departmental Programs - Any programming originated, prepared, or provided by a City department may be modified or edited as appropriate by the City Clerk as dictated by scheduling and personnel availability.
3. Character Generator Messages - Programmed messages may be edited to provide clarity and to maximize use of the character generator.

4. Inaccuracies in Information Broadcast - Should human or mechanical error result in the cablecast of incorrect information over the City Channel, the City of Mequon, its officers, employees, agents and independent contractors shall not be held liable.

D. Channel Operating Hours

City Channel 25 shall operate 24 hours per day, seven days per week continuously. Live, taped or text generated messages will be cablecast.

E. Scheduling

1. Scheduling the use of City Channel 25, related staff and equipment shall be the responsibility of the City Clerk or his/her designee. Scheduling shall be performed on an equitable basis and shall be open to all units of City government.
2. Date, time and mode of cablecast will generally be scheduled on a first come, first serve basis, consistent with the orderly development of diversified programming. Emergency messages affecting the health, safety and general welfare of City residents shall receive highest priority at all times over regularly scheduled programs. Scheduling or programming conflicts will be resolved by the City Clerk.

F. Retention of Compatible Media Format:

1. Compatible Media format shall be retained for up to two (2) years. At the end of the scheduled retention time, all Compatible Media format will be erased and re-used. Any request for longer retention of Compatible Media format must be made in writing to the City Clerk, within the retention period.
2. Individuals wishing to utilize Channel 25 services must provide Compatible Media format for duplication purposes. There shall be no liability for inadvertent erasure or omission.

G. Technical Standards:

Operating standards for technical quality of live or taped programs will be determined by the Public Welfare Committee and the City Clerk. All videotaped programs submitted for cablecast must meet the following minimum technical standards:

1. Media format must be compatible with the system.
2. Video and audio quality must be acceptable for cablecast transmission.
3. Except for cablecast of public meetings of City policy-making or advisory boards and commissions, maximum videotaped program length should be no more than 60 minutes unless circumstances warrant a longer presentation. Time limitations may be adjusted at the discretion of the Public Welfare Committee.

4. POLICY ADMINISTRATION

The City of Mequon's Government Access Cable Channel 25 shall be administered by the City Clerk.

- A. Individuals wishing to utilize the Channel 25 services must complete a Government Access Channel Service Request form (see attached) no less than thirty (30) days prior to the cablecast start date specified in the request.
- B. The City Clerk will respond to service request within three (3) working days of the date received.

- C. An appeal of decisions made by the City Clerk regarding scheduling, content, or other matters that come under these policy guidelines, may be made to the Public Welfare Committee. The appeal must be submitted in writing to the Public Welfare Committee within three (3) working days of the denial.



OFFICE OF THE CITY ADMINISTRATOR

11333 N. Cedarburg Road 60W
 Mequon, Wisconsin 53092
 Phone (262) 236-2940
 Fax (262) 242-9819
 wjones@ci.mequon.wi.us

William Jones

December, 2015

Mike & Noelle Gross
 12554 North Shoreland Parkway
 Mequon, Wisconsin 53092

Dear Mike & Noelle:

This letter will confirm your joint employment as contract Videographers with the City of Mequon. Specifically, you will be responsible for providing general videotaping and live broadcasting of select City meetings (typically the Common Council and Planning Commission) on a monthly basis, and for any necessary post-production and archiving work related to the posting of such recordings on the City website for viewing by the general public. Additionally, your duties may be expanded from time-to-time, to include the videotaping and/or live broadcasting of other City meetings upon request. Your aggregate compensation to perform the duties outlined herein during the 2016 calendar year will be as follows:

Planning Commission Meetings	\$275/Meeting
Common Council Meetings	\$275/Meeting

Attached is a tentative meeting schedule for the Planning Commission and Common Council meetings during calendar year of 2016. Please note meeting dates are subject to change, and all dates and times are posted on the City website at www.ci.mequon.wi.us. Should you have questions regarding terms contained in this letter, please contact me at 262-236-2940 or wjones@ci.mequon.wi.us.

In accordance with the foregoing terms, please confirm your understanding of this agreement by dating and affixing your signature below. This agreement is effective January 1, 2016 and will remain in effect through December 31, 2016.

William Jones, City Administrator

Michael Gross, Videographer

Noelle Gross, Videographer

Date: Dec. 16, 2015Date: 12/18/2015Date: 12/18/15

cc: Tom Watson, Finance Director
 Jesse Thyges, Assistant City Administrator
 Kim Tollefson, Community Development Director
 Caroline Fochs, Deputy City Clerk

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: July 12, 2016
SUBJECT: Consideration of An Ordinance Amending the City's Ethics Code to Include An Honesty Provision

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 Municipal Code of the City formally codifies both the Ethics Code and the Employee Personnel Code. Those sections include provisions related to ensuring honest conduct:

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

At the request of Alderman Gierl, the Public Welfare Committee considered the apparent lack of an express requirement to be honest within the Ethics Code. The Committee considered the attached revisions to the Ethics Code (Exhibit A) and recommended that the proposed revision be forwarded to the Ethics Board for its review and recommendation in accordance with Section 2-140(b) of the Municipal Code.

On June 21, 2016 the Ethics Board met to consider the proposed changes. At that meeting, the Ethics Board unanimously passed a motion to:

recommend to the Public Welfare Committee and Common Council that the suggested changes not be adopted because they would be difficult to administer and constitute a departure from the State ethics code; however, if compelled to do something to recommend that the definition be eliminated and that Sec. (b)(9) be amended to read "City Officials and employees shall be honest and truthful in their dealings with the public and/or other City Officials or employees."

Analysis

The Ethics Board's primary recommendation was to not adopt any proposed changes. While all members of the Ethics Board agreed that all City Officials and employees should be honest and truthful in their actions, the Board ultimately recommended that no changes be made to the Ethics Code for three primary reasons:

1. Adding honesty to the Ethics Code would be difficult to administer.

As the Board considered the changes, it determined that honesty is a difficult concept to administer because there are often more questions than answers. Some of the questions the Board considered: At what point does dishonesty become actionable under the Code? Any single lie, or is there some arbitrary number of lies that need to be reached first? Only a lie results in some harm to another person? If so, how much (or what kind of) harm qualifies? Does it matter if the lie was an intentional or an honest mistake? Board members noted that these provisions apply to all officials, including those that are politicians. Does it matter that politicians routinely “color” the facts to support their position? Is it a “lie” for an alderperson in debate at the Council to represent only those facts that support their position even if there are known facts to the contrary?

2. Changing the Ethics Code would be a departure from the State ethics code.
The Board also considered the language of the State Ethics Code for local officials and noted that there are no honesty provisions in the State Code. The State Code has substantial history behind it – not only in terms of drafting history that can be reviewed, but also a body of applications, interpretations and case law from across the State that can help a local Ethics Board interpret and apply their local codes. Deviations from the State Code mean that there is no similar assistance available.
3. The proposed changes bring an element of politics to the Ethics Code.
While not specified in the motion itself, most of the Board members expressed concern at some point during the discussion that the changes bring an element of politics to the Ethics Code. Their concern is that, unlike the other provisions of the Ethics Code, the proposed changes are more subjective in nature. This subjective nature could result in opponents of a particular elected official filing complaints with the Ethics Board for the purposes of achieving political gain themselves.

Despite their recommendation to not adopt any changes, the Ethics Board also recognized that because this recommendation came from the Public Welfare Committee it was likely that the Committee may reject a “do nothing” recommendation. Accordingly, the Board also recommended changes to the proposed rules in the event that the Committee wishes to “do something.”

The first of these recommended changes was to eliminate the definition of honest and truthful. This recommendation was driven by the fact that the definition is effectively circular by defining “truthful” by using “untruthful.” Additionally, in light of the questions discussed above, there was some concern that it would be impossible to create a definition that would cover all possible circumstances. There was some talk of adopting something similar to the rules of fiduciary duty in the corporate realm, but again the concern was that it would not cover all circumstances. The second recommended change was to amend the language of the violation section to make it less cumbersome and more clear. Accordingly, the attached Exhibit B illustrates these changes within the Ethics Code.

Fiscal Impact

There is no applicable fiscal impact.

Recommendation

As discussed above, the recommendation of the Ethics Board to the Committee is to not adopt any changes to the Ethics Code at this time. In the event that the Committee chooses to adopt changes, the Ethics Board would recommend the changes identified in Exhibit B. If the Committee recommends changes, that recommendation would then be formalized in ordinance form with a first reading at the August meeting.

Attachments:

Ethics Exhibit A (DOCX)

Ethics Exhibit B (DOCX)

EXHIBIT A

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.

EXHIBIT B

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.

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) City officials and employees shall be honest and truthful in their dealings with the public and/or other city officials or employees.
- (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.

TO: Public Welfare Committee
FROM: William Jones, City Administrator
DATE: July 12, 2016
SUBJECT: Boards and Commissions Review: 2016-17 Proposed Work Plan (Draft)

Background

In June, the Public Welfare Committee directed staff to prepare a draft work plan that would serve to guide a comprehensive review of the City's current Boards and Commissions during the 2016-17 timeframe.

Analysis

Attached is a copy of the Proposed Work Plan developed by staff in connection with this initiative (Exhibit A). As indicated in the document, the work items associated with this review have been grouped under various categories, and distributed on a quarterly basis throughout the remainder of 2016 and into early 2017. In advance of the Committee's review and discussion of the proposed work plan at its meeting on July 12, members may also want to consider the following questions related to this analysis, as follows:

- Does the Committee wish to undertake a holistic review of all of the City's Boards and Commissions at once, or review each Board and Committee separately, on a case-by-case or meeting-by meeting basis?
- Within the course of its review, does the Committee wish to seek feedback from other key stakeholders involved with the City's Boards and Commissions? Naturally, key stakeholders might naturally include other members of the Common Council, current and/or past members of the City's Boards and Commissions, staff liaisons, other City staff, petitioners and other interested members of the public.
- To the extent that changes or modifications to the City's Boards and Commissions are proposed for implementation, how should such be communicated to affected stakeholders either prior to consideration and/or following the approval of such?

The proposed work plan is intended to guide the Committee's conversation on how to best prioritize this project's workload. The Committee will need to consider its ability to balance the scheduling of the proposed work items with unknown issues that may come forward during the course of the next year. Staff anticipates that additional feedback will be provided at the Committee's meeting on July 12, in anticipation of presenting a final work plan for adoption by the Committee at its meeting on August 10.

Fiscal Impact

None.

Recommendation

Review and discussion of the Proposed Work Plan to review the City's Boards and Commissions.

Attachments:

BOARD COMMISSION WORK PLAN 2016-17 (DOCX)

EXHIBIT A

**CITY OF MEQUON - PUBLIC WELFARE COMMITTEE
BOARDS & COMMISSIONS REVIEW: 2016-17
PROPOSED WORK PLAN (DRAFT)**

Attachment: BOARD COMMISSION WORK PLAN 2016-17 (1752 : Review Boards and Commission)

TASK AREA/ITEM	ANTICIPATED COMPLETION
MEMBERSHIP/ELIGIBILITY	
<ul style="list-style-type: none"> ▪ Review Process for Board & Commission Appointments 	3 rd Quarter - 2016
<ul style="list-style-type: none"> ▪ Review/Standardize Processes for Board & Commission Chair Appointments 	
<ul style="list-style-type: none"> ▪ Review/Standardize Board & Commission Terms 	
<ul style="list-style-type: none"> ▪ Review/Update Board & Commission Member Application 	
<ul style="list-style-type: none"> ▪ Review/Determine if Residents Can Serve on More than One Board/Commission 	
<ul style="list-style-type: none"> ▪ Review/Determine Attendance Requirements for Board & Commission Members 	
<ul style="list-style-type: none"> ▪ Review/Determine Term Limits for Board & Commission Members 	
FINANCIAL	
<ul style="list-style-type: none"> ▪ Review Applicable Committee Budgets 	4 th Quarter - 2016
<ul style="list-style-type: none"> ▪ Identify Potential Cost Savings/Proposed Expenditures 	
COMMITTEE INFRASTRUCTURE/COMPOSITION	
<ul style="list-style-type: none"> ▪ Review/Determine Appropriate Board & Commission Sizes (Right-Sizing) 	4 th Quarter - 2016
<ul style="list-style-type: none"> ▪ Eliminate Unnecessary Boards & Commissions 	
<ul style="list-style-type: none"> ▪ Review Board & Commission Composition Requirements 	
LEGISLATIVE CONSIDERATIONS	
<ul style="list-style-type: none"> ▪ Review General Ordinance Language Pertaining to Boards & Commissions 	4 th Quarter - 2016
<ul style="list-style-type: none"> ▪ Review Enabling Ordinance Language - Existing Boards & Commissions 	
<ul style="list-style-type: none"> ▪ Determine Need for Enabling Ordinance Language - Existing Boards & Commissions 	
<ul style="list-style-type: none"> ▪ Standardize Ordinance Language Across Boards & Commissions 	
<ul style="list-style-type: none"> ▪ Ensure Accurate Purpose, Power & Duties 	

<ul style="list-style-type: none"> ▪ Complete Legal Review of Existing Language to Ensure Conformance with State Law 	
GOVERNANCE	
<ul style="list-style-type: none"> ▪ Develop Boards & Commissions Process/Procedures/Guidelines Manual 	1 st Quarter - 2017
<ul style="list-style-type: none"> ▪ Determine Need for Board & Commission Member Training 	
COMMUNICATIONS	
<ul style="list-style-type: none"> ▪ Review/Determine Annual/Monthly Reporting Requirements 	1 st Quarter - 2017
<ul style="list-style-type: none"> ▪ Develop Uniform Template for Display of Board & Commission Info on City Website 	
<ul style="list-style-type: none"> ▪ Determine Appropriate Time Threshold for Maintaining Agendas, Minutes, Packets 	
PROJECT CLOSE-OUT/OUTSTANDING ITEMS COMPLETED	
	2 nd Quarter - 2017



TO: Public Welfare Committee
FROM: William Jones, City Administrator
DATE: July 12, 2016
SUBJECT: Public Welfare Committee FY2016-2017 Work Plan

Background

In May, the Public Welfare Committee directed staff to gather feedback regarding potential work items for the Committee to consider in FY2016-17. At its June meeting, the Committee reviewed a proposed work plan developed by staff, along with additional items brought forth for consideration by members of the Committee.

Analysis

Attached is a summary of the work items identified since May, which has been updated by staff since the Committee's June meeting (Exhibit A).

Also attached is Exhibit B, which represents a Working Calendar of future meeting dates and agenda items based upon matters that have been submitted/identified to-date. The meeting calendar runs through March 2017 due to the standard Committee appointment process that occurs in April of each year.

The proposed calendar is intended to guide the conversation of how to best prioritize the Committee's workload. The Committee will need to consider its ability to balance the scheduling of the proposed work items with unknown issues that may come forward over the course of the next year.

Fiscal Impact

None.

Recommendation

As directed at the Committee's June meeting, staff will continue to update the Committee's Working Calendar for review and discussion of upcoming meeting agenda topics.

Attachments:

FY2016-17 COMMITTEE TOPICS (DOCX)

FY2016-17 WORKING CALENDAR (DOCX)

EXHIBIT A

**Public Welfare Committee
FY2016 Items for Consideration**

Proposal	Summary
Televising of Public Meetings	Consideration of a policy to have all meetings of the Common Council, in whatever form, televised on Channel 25 <ul style="list-style-type: none"> ▪ Committee of the Whole meetings ▪ Sewer & Water Utility Board meetings ▪ Appropriations Committee meetings ▪ Any other meeting that includes all members of the Common Council
Ethics Code Updates	Ethics Board meeting was held on June 21, 2016 to review the proposed “honesty provisions” as recommended by the Public Welfare Committee. <ul style="list-style-type: none"> ▪ Consideration of adding the following additional provisions to the Ethics Code: <ul style="list-style-type: none"> ▪ Impartiality Clause ▪ Non-Retaliation Clause
Review of Boards, Commissions & Committees	Review ordinances establishing various committees: <ul style="list-style-type: none"> ▪ Standardize ordinance language ▪ Eliminate unnecessary committees ▪ Ensure accurate purpose/power/duties ▪ Right-size committees, as appropriate
Short Term Rentals	This item was scheduled for further consideration in June 2016 and subsequently tabled, pending the receipt of additional information.
Public Meeting Notice Procedures (General)	Consideration of a policy to: <ul style="list-style-type: none"> ▪ Post a list of items that could be on an upcoming agenda 1-week in advance of the meeting ▪ Posting the actions taken by the Common Council following the meeting
Public Notice Procedures (Development)	Review of current notification practices: <ul style="list-style-type: none"> ▪ The area to which the City sends postcards. Is it adequate? ▪ Can people understand what is being proposed by the wording on the postcards?

Proposal	Summary
	<ul style="list-style-type: none"> ▪ When should public meetings be held? Should there be a public meeting earlier in the consideration of significant developments? Or, are people satisfied with public input and education only on the night of final deliberation? ▪ How else can we inform interested parties?
Online Availability of City Policies	Consideration that all adopted City policies be posted on the City's website
Branding Committee	<ul style="list-style-type: none"> ▪ Status update ▪ Plans moving forward
Public-Private Partnership Program to Landscape Public Property/Spaces	Some communities have "sponsors" for public spaces (usually businesses and service clubs, but in some cases individuals). A program like this could bridge a funding gap, while improving the appearance of Mequon's medians and public spaces. Alderman Wirth to provide previously compiled research materials.
Prohibited Landscaping Materials	This topic was introduced/discussed at the 10/14/14 Public Welfare Committee meeting. Staff was given direction to research whether or not there is a list of hazardous landscape materials the City prohibits, and if so, the Committee directed Staff to make the list available to residents. No such list exists. Moreover, the City does not regulate single-family residential landscaping. No further action was requested.
Review of City Inspections Division	Discussion to be scheduled for latter part of 2016.
Review of Matters Submitted to Board of Appeals	Committee review to determine if any ordinances need to be revisited or amended. Review to also consider the basis of appeals, to determine if there are common/repeated matters being appealed.
Electronic Communications Policy	<p>Review existing policy for updates, including:</p> <ul style="list-style-type: none"> ▪ Portions of the electronic policy that should apply to employees ▪ General updates as technology has changed
Review of Matters Requiring	Committee review to determine if any ordinances need to be revisited or amended.

Proposal	Summary
Resubmission to Architectural Board	
Review of City Records Retention Policy	Review and discussion of City’s current policy, and consideration of any proposed amendments. To be scheduled for late 2016/early 2017.
Adding Specific Definitions	Consideration of establishing a definition for “promptly”. The example provided was that “Staff is supposed to address issues promptly” - what does that mean from a timing perspective?

EXHIBIT B

**Public Welfare Committee
2016-17 Working Calendar (Updated July 5, 2016)**

Meeting Date	Agenda Topics	Completed Items
June 14	<ul style="list-style-type: none"> ▪ Short-Term Rental Ordinance ▪ Review/Discuss Proposed Work Calendar 	<ul style="list-style-type: none"> ▪ HOME Investment Partnership Renewal ▪ 2016-17 Work Calendar Established
July 12	<ul style="list-style-type: none"> ▪ Televising Common Council Meetings ▪ City Ethics Ordinance Amendments ▪ Boards & Commissions Work Plan 	
August 10	<ul style="list-style-type: none"> ▪ Short-Term Rental Ordinance ▪ Public Notice Procedures Review ▪ Boards & Commissions Review (Start) 	
September 13	<ul style="list-style-type: none"> ▪ Branding Committee Update ▪ Online Availability of City Policies ▪ Boards & Commissions Review (Continued) 	
October 11	<ul style="list-style-type: none"> ▪ Public/Private Landscaping Program ▪ Boards & Commissions Review 	
November 9	<ul style="list-style-type: none"> ▪ City Inspections Division Review ▪ Boards & Commissions Review (Continued) 	
December 13	<ul style="list-style-type: none"> ▪ Board of Appeals Review ▪ Boards & Commissions Review 	
January 10	<ul style="list-style-type: none"> ▪ Electronic Communications Policy Review ▪ Boards & Commissions Review (Continued) 	
February 14	<ul style="list-style-type: none"> ▪ Architectural Board Review ▪ Boards & Commissions Review (Continued) 	
March 14	<ul style="list-style-type: none"> ▪ City Records Retention Policy Review ▪ Boards & Commissions Review (Completed) 	

Attachment: FY2016-17 WORKING CALENDAR (1747 : 2016-2017 Committee Topics)