

CHAPTER 1-GENERAL GOVERNMENT

**CITY OF FENNIMORE**

*(Repealed and Recreated 8/22/16-Ord #2016-3)*

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**1.01 FORM OF GOVERNMENT**

The City of Fennimore, Grant County, Wisconsin, shall be governed by the Mayor and the Common Council form of government.

**1.02 ELECTED OFFICIALS**

(1) **Mayor:** The Mayor shall be elected by the voters of the City in even numbered years for a term of 2 years. The said 2-year term shall commence on the third Tuesday of April in the year of his or her election.

(2) **Aldersperson:** Two alderspersons shall be elected by the voters from each ward, one of whom shall be elected each year by the voters from each ward to serve a term of two years. The said term of each aldersperson shall commence on the third Tuesday of April in the year of his or her election.

**1.03 APPOINTED OFFICIALS**

(1) **Assessor:** The Assessor shall be appointed by the Common Council. The Assessor shall hold office for an indefinite term, subject to removal as provided in Wis. Stat. sec. 17.12. The Assessor is responsible for assessing real and personal property for purposes of taxation. No person may assume the office of City Assessor unless certified by the Department of Revenue (DOR) under Wis. Stat. sec. 73.09, as qualified to perform the functions of the office. The City may appoint a corporation or an independent contractor as the Assessor. That corporation or contractor then must designate the person responsible for the assessment. Only persons certified by DOR under 73.09 stats. can be designated. The designee must file the oath under 19.01 stats., and sign the affidavit of the assessor attached to the assessment roll under 70.49, stats. "Independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public. The assessor is a contracted position with the city.

*Reference: Wis. Stat. secs. 61.197(1)(f), 61.27, 61.09(1)(c) and (d).*

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(2) **Attorney:** The Attorney shall be appointed by the Common Council. The Attorney shall hold office for an indefinite term, subject to removal under Wis. Stat. sec. 17.12. Together with those duties as directed by the Mayor or Common Council, the city attorney shall conduct all the law business in which the city is interested. When requested by city officers, the attorney shall give written legal opinions, which shall be filed with the clerk. The attorney shall draft ordinances, bonds and other instruments as may be required by city officers. The attorney may appoint an assistant, who shall have power to perform the attorney's duties and for whose acts the attorney shall be responsible to the city. The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

*Reference: Wis. Stat. sec. 62.09(12)*

(3) **Building/Electrical/Plumbing/HVAC/Soil Erosion Inspector:** The Inspector shall be appointed by the Common Council. The Inspector shall hold office for an indefinite term, subject to removal under Wis. Stat. sec. 17.12. The individual performing inspections shall be certified by the Department of Safety and Professional Services (DSPS) as a UDC-construction inspector, UDC-electrical inspector (unless certified as a commercial electrical inspector), UDC-HVAC inspector, UDC-plumbing inspector (unless certified as a commercial plumbing inspector), and soil erosion inspector. The individual performing inspections shall be certified by DSPS as a commercial building inspector, a commercial electrical inspector and a commercial plumbing inspector. The building/electrical/plumbing/HVAC/soil erosion inspector is a contracted position with the city.

*Reference: Wis. Stat. sec. 101.651(2m) and SPS 361.41, Wis. Adm. Code.*

(4) **Chief of Police:** The Chief of Police shall be appointed by the Common Council and shall hold office for an indefinite term. The Chief of Police shall perform those duties as required by statute, rule or ordinance or as lawfully directed by the Mayor.

*Reference: Wis. Stat. sec. 62.09(1) and Wis. Stat. sec. 62.13(6m).*

(5) **Clerk-Treasurer:** The Clerk-Treasurer shall be appointed by the Common Council for an indefinite term, subject to removal in the manner provided in Wis. Stat. sec. 17.12. The Clerk-Treasurer shall perform those duties as required by statute, rule or ordinance or as directed by the Mayor or Common Council.

*Reference: See, generally, Wis. Stat. sec. 62.09(11) and 62.09(10).*

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(6) **Deputy Clerk-Treasurer:** The Clerk-Treasurer may, in writing filed in his or her office, appoint a deputy, who shall act under the Clerk-Treasurer's direction, and in the Clerk-Treasurer's absence or disability or in case of a vacancy shall perform the Clerk-Treasurer's duties. The Deputy Clerk-Treasurer shall perform those duties as required by statute, rule or ordinance or as directed by the Mayor, Common Council or the Clerk-Treasurer.

*Reference: Wis. Stat. secs. 61.19 and 62.09(11).*

(7) **Director of Public Works (DPW):** The Director of Public Works shall be appointed by the Common Council for an indefinite term and subject to removal in the manner provided in Wis. Stat. sec. 17.12. The DPW shall perform those duties as required by statute, rule or ordinance or as directed by the Mayor or Common Council.

*Reference: Wis. Stat. secs. 62.9(9)(c), 61.26(6) and 70.67.*

(8) **Zoning Administrator:** The Zoning Administrator shall be appointed by the Common Council for an indefinite term, subject to removal in the manner provided in Wis. Stat. sec. 17.12. The Zoning Administrator is hereby designated as the administrator of the provisions and requirements set forth in Ch. 19, Municipal Code, along with performing any duties as required by statute, rule or ordinance or as directed by the Mayor or Common Council.

### 1.04 BOARDS, COMMISSIONS AND AGENCIES

#### (1) Board of Review

(a) **Board of Review Created:** There shall be a Board of Review.

(b) **Powers.** The Board of Review shall have the responsibility of hearing and deciding appeals by property owners objecting to the value placed upon their property by the municipal assessor for property tax purposes.

The Board of Review has the following three primary duties:

1. Adjust the assessor's valuation of a parcel when the assessment has been proven incorrect by sworn testimony at hearing before the board.
2. Correct any errors or omissions in the descriptions or computations found on the assessment roll.
3. Check the assessment roll for omitted property and double assessments.

(c) **Membership:** The Board of Review for the City of Fennimore shall consist of five (5) residents of the City in lieu of the City Officials.

(d) **Terms of Office:** Each member of the Board of Review shall hold office

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for a term of five (5) years, commencing on May 1 and running through April 30 of the year of expiration. Terms shall be staggered so that one member of the Board of Review shall be appointed each year. The Mayor shall present one new appointment each year at the organizational meeting of the Common Council, and the appointment shall be subject to approval of the Council. The term of office shall commence on May 1 of the year of appointment.

(e) Vacancies: In the event of a vacancy, the Mayor shall appoint a successor at the next meeting of the Council subject to the approval of the Council for the remainder of the unexpired term of the vacating member. In the event the Council fails to approve a member or members appointed by the Mayor, the Mayor shall appoint a new member or members subject to the approval of the Council at the same meeting or the next Council meeting. The duty of the Mayor to appoint a member or members shall be continuing one, so that in the event of the failure of the Mayor to appoint at the organizational meeting or a meeting after a vacancy or because of the failure of the Council to approve, the duty of the Mayor shall continue to each succeeding meeting to make such appointment or appointments. In the event of the failure to appoint and approve or in the event of the failure of an appointed member to qualify, the term of the expiring or vacating member shall continue until an appointment is made, approved and the appointee qualifies.

(f) Salaries: The salary for each Board of Review member shall be established from time to time by the Common Council.

(g) Records to be Held Confidential. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Wis. Stat. sec. 70.47(7)(af), or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties; or pursuant to order of a court. Income and expense information provided to the Assessor under Wis. Stat. sec. 70.47(7)(af), unless a court determines that it is inaccurate, is, per Wis. Stat. sec. 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stat. sec. 19.35(1). If any portion of this section shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions of this section. The remainder of this section shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this section are hereby repealed as to those terms that conflict.

*References: Wis. Stat. secs. 70.46-70.48.*

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### (2) City Plan Commission

- (a) Plan Commission Created: There shall be a Plan Commission.
- (b) Powers. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city. The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.
- (c) Membership: The Plan Commission shall consist of seven (7) members. All members shall be appointed by the Mayor, who shall also choose the presiding officer. The Mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least three (3) citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications.
- (d) Terms of Office: The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.
- (e) Salaries. The salary for each Plan Commission member shall be established from time to time by the Common Council. Citizen members shall take the official oath required by Wis. Stat. sec.19.01, which shall be filed with the City Clerk.
- (f) Powers. The Plan Commission shall have the power to employ experts and such staff as may be necessary, as may be necessary and proper within the limits of the budget established by the Common Council or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Common Council.
- (g) As far as possible the Plan Commission shall utilize the services of existing city officials and employees.
- (h) The Plan Commission shall have the powers and duties prescribed in a. 62.23, Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Common Council.

*References: Wis. Stat. sec. 62.23(1) and (2).*

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### (3) **Library Board**

- (a) Library Board Created: There shall be a municipal Library Board.
- (b) Powers. The Library Board shall be responsible for the establishing, equipping and maintaining the public library.
- (c) Membership. The Library Board shall consist of 7 members. Members shall be residents of the City of Fennimore except that not more than 2 members may be residents of other municipalities. Members shall be appointed by the Mayor. The Mayor shall appoint as one of the members a School District Administrator, or his representative to represent the public school district in which the public library is located. Not more than 1 member of the Common Council shall at any one time be a member of the Library Board.
- (d) Terms of Office: All terms shall be for a period of 3 years commencing from July 1 in the year of appointment.
- (e) Compensation: No compensation shall be paid to the members of the Library Board for their services, but they may be reimbursed for their actual and necessary expenses incurred in performing duties outside of the City of Fennimore if so authorized by the Library Board.
- (f) Quorum: A majority of the membership of the Library Board constitutes a quorum, but the Board may, by regulation, provide that 3 or more members thereof shall constitute a quorum.
- (g) Organization: Annually within 30 days after May 1, the members of the Library Board shall organize by the election, from among their number, a president and such other officers as they deem necessary.

*Reference: Wis. Stat. secs. 43.54(1), 43.52(1), and 43.53(1)(b)*

### (4) **Zoning Board of Appeals.**

- (a) Zoning Board of Appeals Created: There shall be a Zoning Board of Appeals.
- (b) Powers. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of zoning or of any ordinance adopted; to hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be

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contrary to public interest, where, owing to special conditions, a literal enforcement of provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

- (c) Membership. The Zoning Board of Appeals shall consist of 5 members appointed by the Mayor subject to confirmation of the common council. Appointment shall be made by the mayor during the month of April for terms that expire in April. The Mayor shall designate one of the members as chairperson. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for.
- (d) Salaries. The salary for each board member shall be established from time to time by the Common Council.

*References: Wis. Stat. sec. 62.23(7)(e).*

### **(5) Election Officials.**

- (a) Appointment of election officials: There shall be an appointment of election officials.
- (b) Members. There shall be seven (7) election inspectors at each polling place at each election. Additional election inspectors may be appointed to serve at any poll where wards are combined. The City of Fennimore shall allow for the selection of two (2) or more sets of officials to work at different times on election day and hereby permits the Clerk or his/her designee to establish different working hours for different officials assigned at the same polling place.
- (b) Reduction in Number of Officials. Notwithstanding s. 1.04(5)(a), the Common Council may, by resolution, reduce the number of election officials and modify or rescind any similar previous action provided that the number of officials at any polling place is reduced to not less than three (3).
- (c) Salaries. The salary for each election official shall be established from time to time by the Common Council.

*References: Wis. Stat. sec. 7.30(1).*

### **(6) Public Relations Board.**

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- (a) Public Relations Board Created. A Board of the City of Fennimore to be identified and known as the “Fennimore Public Relations Board” is hereby created.
  - (b) Powers.
    - (1) The Board shall have the entire charge, management and direction of matters identified below, subject only to the general control and supervision of the Common Council.
    - (2) Promotion of industrial, business, and residential development within the City of Fennimore.
    - (3) Promotion of meetings, caucuses and conservations, within the City, of corporate representatives, business associations, fraternal associates, political groups and other local or regional meetings of groups.
    - (4) Promotion of tourism within the City and surrounding territory.
    - (5) Promotion of the use of municipal facilities such as the assembly hall within the municipal building. This power shall be coordinated with the office of the City Clerk.
  - (c) Membership. The Public Relations Boards shall consist of 3 members appointed by the Mayor subject to confirmation of the Common Council. The 3 members appointed by the Mayor shall consist of a member of the Common Council, a member of the Fennimore Industrial and Economic Development Corporation, and a member of the Fennimore Chamber of Commerce. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
  - (d) Terms of Office: The members of the board shall be appointed to hold office for a period of 1 year. Appointments shall be made by the Mayor during the month of December.
- (7) Recreation Board.**
- (a) Purpose. A Recreation Board is hereby established in the City of Fennimore to oversee the organization, development and operation of recreational programs for Fennimore area youth and adults including raising funds for programs, scheduling available facilities and providing needed equipment in an organized, efficient manner so all those involved in recreation activities have a positive experience whether as a participant, coach, spectator or parent.

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- (b) Members. The Recreation Board shall consist of five (5) members. Members shall be appointed by the Mayor, subject to confirmation by the Common Council. Two members first appointed shall be specifically appointed to a one (1) year term; two members first appointed shall be specifically appointed to two (2) year terms and one member first appointed shall be specifically appointed to a three (3) year term. After the initial appointments are made, members shall be appointed to serve a term of three (3) years. Each term shall commence on October 1. No members may serve more than two (2) successive terms. Members shall serve without compensation.
- (c) Composition. To the extent practicable, the membership of the Recreation Board shall be selected so as to represent a variety of programs. One (1) member shall be a member of the Common Council and the remaining members shall be representatives of or affiliated with one or more of the City's recreational programs. The Recreation Board may appoint its own Chairperson, Vice-Chairperson and Secretary.
- (d) Authority and Responsibilities. The Recreation Board shall:
  - (i) Determine recreation needs of the community.
  - (ii) Establish policies and procedures to promote safe, efficient, organized activities for Fennimore area residents.
  - (iii) Ensure child safety, such as by doing background checks on coaches.
  - (iv) Handle complaints pertaining to recreation activities.
  - (v) Report damage/maintenance needs for facilities.
  - (vi) Report injuries.
  - (vii) Accommodate participants with special needs.
  - (viii) Oversee scheduling for operation of concession stands.
  - (ix) Coordinate facilities and schedule activities.
  - (x) Prepare annual recreation brochure and hold sign-ups for participants.
  - (xi) Determine financial needs of the board, including timely development of an annual budget and presentation of such budget to the Common Council.
  - (xii) Set administrative/participation fees for programs, as needed.
  - (xiii) Assist with fundraising for capital projects for recreation programs.
  - (xiv) Consider acceptance of donations, subject to the approval of the Common Council.
- (e) Staffing. Limited legal and staff time shall be provided by the City.

### 1.05 ETHICS CODE

- (1) STATEMENT OF PURPOSE

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- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this section a Code of Ethics for all City of Fennimore officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
  - (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Fennimore and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council believes that a Code of Ethics for the guidance of elected and appointed 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 citizens of this City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Fennimore.
- (2) **DEFINITIONS.** The following definitions shall be applicable in this Section:
- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code of Ordinances, whether paid or unpaid.
  - (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the City.
  - (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the City, honorariums, fees and expenses under the standards and reporting

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requirements set forth in Wis. Stat. sec. 19.56, campaign contributions as regulated by law, or hospitality extended for a purpose unrelated to City business by a person or firm, corporation, partnership, or joint venture.

- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

### (3) STATUTORY STANDARDS OF CONDUCT.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 19.59.** Ethics
- (b) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (c) **Sec. 946.11.** Special Privileges from Public Utilities.
- (d) **Sec. 946.12.** Misconduct in Public Office.
- (e) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

### (4) RESPONSIBILITY OF PUBLIC OFFICE.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to

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discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

### (5) DEDICATED SERVICE.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

### (6) FAIR AND EQUAL TREATMENT.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- (b) **Use of City Letterhead.** Copies of any correspondence written on City letterhead shall be filed with the City Clerk-Treasurer, or his or her designee.
- (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the City to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or herself for a member of his or her immediate family.
- (d) **Political Contributions.** No official shall personally solicit from any City employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Section is a candidate or treasurer.

### (7) CONFLICT OF INTEREST.

#### (a) **Financial and Personal Interest Prohibited.**

- (i) No official or employee of the City, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to

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financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Section or which would tend to impair independence of judgment or action in the performance of official duties.

- (ii) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Common Council involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
  - (iii) Any non-elected official, other than a City employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
  - (iv) Any City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate board, commission or committee the nature and extent of such interest.
- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
  - (c) **Incompatible Employment.** No official or employee shall engage in or

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accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

(d) **Gifts and Favors.**

- (i) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the City, or from any person who conducts activities which are regulated by the City, or from any person who has interests which may be substantially affected by actions of the City.
- (ii) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
- (iii) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

(e) **Representing Private Interests Before City Agencies.**

- (i) Non-elected City officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency, board, commission or the Common Council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
- (ii) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the

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electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.
- (g) **Contracts with the City.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the City unless:
  - (i) The contract or activity is exempt from or otherwise deemed appropriate by Wis. Stat. sec. 946.13;
  - (ii) The Common Council waives this requirement after determining that it is in the best interest of the City to do so and the Common Council determines that no law prohibits the making of such a contract.
- (h) **Disclosure of Interest in Legislation.** To the extent known, any member of the Common Council who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board and who participates in discussion with or gives official opinions or recommendations to the Board shall disclose on the record of the Board the nature of and extent of such interest.

### (8) ADVISORY OPINIONS.

When an official or employee has doubt as to the applicability of a provision of this Section, such official or employee may apply to the City Attorney for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Section before such advisory decision is made. This Section shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined to be more appropriate or desirable. The City Attorney shall

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maintain the confidentiality of such requests to the same extent as is provided under Wis. Stat. sec. 19.59(5).

### (9) SANCTIONS.

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Section shall constitute a cause of suspension, removal from office or employment or other disciplinary action.