

MINUTES

ETHICS BOARD MEETING - Annual Meeting
MONDAY – MAY 5, 2025 – 4:30 P.M.
COUNCIL CHAMBERS, MUNICIPAL BUILDING

Members present: Charles Gardon, Robert Warren, Barbara Baumann, Gerald Valley, Mary Seidl, Thomas Gryzwa, and Angel Wink.

Others Attending: Mayor Katie Berman, Matt Decur, and Tony O'Neill

Chair Gardon called the meeting to order at 4:30 p.m.

Motion by Baumann and seconded by Warren to approve the agenda. Motion carried 7/0.

Minutes:

Motion by Baumann and seconded by Valley to approve the minutes of January 30, 2025.
Motion carried 6/0. Gryzwa abstained.

Board Reorganization:

Baumann nominated Gardon for Chairperson.

Gardon called three times for any more Chair nominations. No others were made.

Motion by Baumann and seconded by Valley to appoint Gardon as Chairperson.
Motion carried 6/0. Gardon abstained.

Baumann nominated Seidl for Secretary.

Gardon nominated Wink for Secretary.

Gardon called three times for any more Secretary nominations. No others were made.

Motion by Baumann and seconded by Warren to appoint Wink as Secretary.
Motion carried 6/0. Wink abstained.

Other matters: None

Adjournment:

Motion by Gryzwa and seconded by Baumann to adjourn at 4:09 p.m. Motion carried 7/0.

Katie Berman
Mayor

Sec. 2-261. - Ethics board.

- (a) *Composition.* There is created an Ethics Board to consist of seven members. The membership of the Ethics Board shall consist of five citizens, one Alderperson and one other City officer or employee. The City Attorney shall furnish the Board whatever legal assistance is necessary to carry out its functions.
- (b) *Appointment.* The members of the Ethics Board shall be appointed by the Mayor, subject to confirmation by the Common Council. Terms of office shall be three years.
- (c) *Officers.* The Ethics Board shall elect its own chairman and vice-chairman and shall develop written rules of procedure that shall be submitted to the Common Council for approval.
- (d) *Code recommendations.* The Ethics Board may make recommendations with respect to amendments to the City Code of ethics.
- (e) *Complaints.* Upon the sworn complaint of any person alleging facts, which if true, would constitute improper conduct under the provisions of the City Ethics Code, the Board shall conduct a hearing in accordance with common law requirements of due process and, in written findings of fact and conclusions based thereof, make a determination concerning the propriety of the conduct of the subject official or employee and, if appropriate, refer the matter to the Common Council or other proper City authority.

(Code 1991, § 2-4-6)

ARTICLE VIII. - ETHICS

Sec. 2-357. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anything of value means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.

Business means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity that engages in profit-making activities.

Financial interest means any interest that 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.

Personal interest means the following specific blood or marriage relationships:

- (1) A person's spouse, mother, father, child, brother or sister; or
- (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half support from such person or from whom such person receives, directly or indirectly, more than one-half of his support.

Public employee means any person excluded from the definition of a public official who is employed by the City.

Public official means those persons serving in statutory elected or appointed offices provided for in Wis. Stats. ch. 62, and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to this Code, whether paid or unpaid.

Significant interest means owning or controlling, directly or indirectly, at least ten percent or \$5,000.00 of the outstanding stock of at least ten percent or \$5,000.00 of any business.

(Code 1991, § 2-5-2)

Sec. 2-358. - Statement of purpose.

- (a) *Goals.* 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 chapter a code of ethics for all City 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) *Purpose.* 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 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 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.

(Code 1991, § 2-5-1)

Sec. 2-359. - 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:

Wis. Stats. § 946.10. Bribery of public officers and employees.

Wis. Stats. § 946.11. Special privileges from public utilities.

Wis. Stats. § 946.12. Misconduct in public office.

Wis. Stats. § 946.13. Private interest in public contract prohibited.

(Code 1991, § 2-5-3)

Sec. 2-360. - 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 discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for government.

(Code 1991, § 2-5-4)

Sec. 2-361. - Dedicated service.

- (a) *Standards for work and performance.* Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) *Prohibited from exceeding authority, breach of law or confidentiality.* 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.
- (c) *Follow appropriate code of ethics.* Members of the City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics Codes with the City Clerk-Treasurer. The City Clerk-Treasurer may notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

(Code 1991, § 2-5-5)

Sec. 2-362. - 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 stationery.* Copies of any correspondence written on City stationery shall be filed with the City Clerk-Treasurer, or his 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 position with the City to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his 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 article is a candidate or treasurer.

Sec. 2-363. - Conflict of interest.

- (a) *Financial and personal interest prohibited.* The following financial and personal interest shall be prohibited:
- (1) No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to 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 article or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) 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.
 - (3) Any non-elected official 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.
 - (4) Any City employee who has a financial interest or personal interest in any proposed legislative action of:
 - a. The Common Council; or
 - b. Any board, commission or committee upon which the employee has any influence or 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) *Gifts and favors.* The following gifts and favor to an employee or elected official of the City shall be prohibited:

- (1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
- (2) No official or employee personally, or through a member of his immediate family, shall accept any gift of a greater value than \$20.00, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value of less than \$20.00, such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift having an aggregate value of more than \$50.00 within any calendar year from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the City upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Common Council by January 15 next following the year in which the gift are received.
- (3) 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 subsection 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.
- (4) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Common Council within ten days of receipt for recommended disposition. Any person subject to this article who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this subsection, shall, within ten days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this article.

(d)

Representing private interests before City agencies or courts. City officials representing private interests before City agencies or courts, in the following manner, shall be prohibited:

- (1) Non-elected City officials and employees shall not appear on behalf of any private person (other than himself, his 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.
- (2) Elected City officials may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) of this section shall be applicable to such appearances.
- (e) *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.
- (f) *Contracts with the City.* No City official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the City unless, within the confines of Wis. Stats. § 946.13.
 - (1) The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this section after determining that it is in the best interest of the City to do so.
 - (2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.
- (g) *Campaign contributions.* Campaign contributions shall be reported by all candidates for City office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Ethics Board.

(Code 1991, § 2-5-7)

Sec. 2-364. - Advisory opinions.

When an official or employee has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this article, he should apply to the Ethics Board for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the

opportunity to present his interpretation of the facts at issue and of the applicability provisions of this article before such advisory decision is made. This article 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 by the Ethics Board to be more appropriate or desirable. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

(Code 1991, § 2-5-8)

Sec. 2-365. - Hiring relatives.

- (a) This section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. The term "immediate family" includes those relatives by blood or marriage defined in Section 2-357 as personal interests.
- (b) Hiring an immediate family member of any current City employee or elected City official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, City board or commission or Common Council) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Common Council approval, with notice, before the new employee is permitted to begin work. Marriage between two individuals already employed by the City or their relatives will not be considered a violation of this policy.
- (c) This section does not apply to non-elected officials who are asked to accept appointment as members of a City board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the City.

(Code 1991, § 2-5-9)

Sec. 2-366. - Collective bargaining agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this article.

(Code 1991, § 2-5-10)

Sec. 2-367. - Sanctions.

A determination that an employee's actions constitute improper conduct under the provisions of this article may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

(Code 1991, § 2-5-11)

Secs. 2-368—2-392. - Reserved.