

ORDINANCE 1060

AMENDING ETHICS CODE; RECREATING ETHICS BOARD

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1-5A-6-J, -K, -L, and -M of the Lake Mills Municipal Code is amended as follows:

K.J. Ethics Board.

1. The Ethics Board of the City of Lake Mills is hereby abolished and recreated. The newly created Ethics Board shall consist of five members who shall serve without compensation from the City.

2. All members of the Ethics Board shall be at least 18 years of age, be residents of the City, and during their terms on the Ethics Board, no member may hold any other elective or appointive office in or be employed by the City of Lake Mills.

3. Each member of the Ethics Board shall have experience with the types of situations presented when applying an ethics code to specific facts, so to satisfy the need for specialized experience, each applicant for consideration for appointment to the Ethics Board shall meet one or more of the following qualifications:

a. Currently serving or have in the past served in an elective or appointive office in a governmental entity; or

b. Currently are or have been employed by a governmental entity and have been subject to similar ethics codes in such employment; or

c. Currently are licensed to practice law in the State of Wisconsin; or

d. Possesses qualifications and experience similar to those listed in this paragraph.

~~1. Possible violations of this section may be investigated by the Ethics Board, which is hereby created. Such Board shall be comprised of the City Manager, City Council President, City Council Vice President, and such Board shall be advised by the City Attorney. The Ethics Board shall meet when it has business to conduct and it may adjourn its meetings from time to time. The City Council President shall be the Board's presiding officer. The City Council Vice President shall serve as the Board's secretary.~~

4. The members of the Ethics Board shall be appointed by the Council President to three-year terms, commencing on May 1 in the year of appointment, subject to confirmation by the Council, except that of those first appointed, two of the members shall be appointed for one year, two members shall be appointed for two years, and the remaining member shall be appointed for three years.

5. The members of the Ethics Board shall take and file an oath of office prior to entering into their duties.

6. The Ethics Board shall elect its own chair, vice-chair and secretary and shall develop written rules of procedure to be submitted to the Council for approval.

37. The Ethics Board shall have the powers and duties as set forth in § 19.59(5)(a) and (b), Wis. Stats., and its duties also include making recommendations to the City Council for further action as appropriate.

48. The Ethics Board shall meet when it has business to conduct and it may adjourn its meetings from time to time.

9. The Ethics Board may make recommendations with respect to amendments to the Code of Ethics of the Lake Mills Municipal Code.

10. The City Attorney shall furnish the Board whatever legal assistance is necessary in the carrying out of its functions.

5 11. The reasonable and necessary expenses incurred by the board may be compensated if such expenses are approved by the City Council through either a previously adopted budget or special action of the Council.

~~2.~~ If upon investigation of an allegation of violation of this ordinance, the Board concludes that probable cause exists to believe that a violation of this ordinance has likely occurred, the committee may determine whether the incumbent shall be cited for an alleged violation of this section, which is subject to the penalty provisions of section 1-4-1. In the case of an incumbent who is a member of the police or fire departments, such investigation shall be conducted by the Board with findings and recommendations provided to the chief of the department, who shall then decide what action shall be taken in accordance with § 62.13, Wis. Stats.

~~4.~~ The members of the Ethics Board shall take and file an oath of office prior to entering into the duties thereof, and each member shall serve during their terms of office as City Council President or Vice-President, and during the City Manager's and City Attorney's indefinite terms. No members of the Ethics Board shall receive compensation for participation thereon, beyond the compensation already received in their official capacity as Council member, City Manager or City Attorney.

J.K. Advisory Opinions.

1. When an incumbent has doubts as to the applicability of a provision of this section to a particular situation in which he or she is or may become involved, or definitions of terms used in the code, the incumbent should apply in writing to the Ethics Board City Attorney for an advisory opinion and be guided by that opinion when given. The requester of an ethics opinion shall include in such a request all pertinent information regarding his or her interpretation of the facts at issue and of the applicable provision(s) of the code before such advisory opinion may be issued. It is prima facie evidence of intent to comply with this section when a person refers a matter to the Ethics Board City Attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request.

2. When a request for an advisory opinion is made, ~~the City Attorney shall refer the request to the Ethics Board, which shall render the opinion, under advice from the City Attorney~~ the name of the requester and the nature of the request may, at the requester's option, be kept confidential. When confidentiality is requested, the Board shall hear and determine the request in closed session. The agenda for the meeting shall identify the session as a closed session to hear a request for a confidential opinion pursuant to this section and § 19.59, Wis. Stats.

3. When confidentiality is requested, the report of the board shall also be kept confidential, but the Board shall prepare a redacted summary of the report as a public document; however, if the requester requests in writing that the full report be made public, the entire opinion or report shall become a part of the public record.

4. If the requester makes public any portion of the opinion or report, all confidentiality is waived by the requester and the Board shall release the full report with the redacted portions restored. The Ethics Board may release a summary of the opinion, provided the identities of those involved with the opinion are not

~~disclosed. The name of the requester and the nature of the request shall remain confidential, unless the requester states in writing that the full opinion be made public, or if the requester makes public any portion of the opinion, in which case all confidentiality is waived by the requester and the Ethics Board shall release the full opinion.~~

L. Complaints.

1. Any resident of the City may complain to the Ethics Board about the activity of any person or entity covered by the Code of Ethics in the Lake Mills Municipal Code, pursuant to the rules and procedures of the Ethics Board, which have been approved by the City Council. If a complaint is brought under this section against any member of the Ethics Board, the City Council shall hear the complaint, acting as the Ethics Board and following the same rules, procedures and precedents of the Ethics Board.

2. The Ethics Board will charge the total costs of its proceedings to the person bringing a complaint, if the Ethics Board determines that the complaint was without merit, was frivolous in nature, or was brought for the purpose of harassing the subject of the complaint.

3. The Ethics Board, or City Council when acting as the Ethics Board, may issue subpoenas and administer oaths.

4. No action may be taken on any complaint which is filed later than 12 months after a violation of this Ethics Code is alleged to have occurred.

M. Sanctions.

1. Violation of any provision of this Ethics Code should raise conscientious questions for the incumbent concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City of Lake Mills. If the Ethics Board determines that any person or entity has violated any provision of this code, the Board may, as part of its report to the Council, make any of the following recommendations:

a. In the case of an elected official, that the City Council consider sanctioning, censuring or expelling the elected official;

b. In the case of a member of a board, committee or commission, that the City Manager, City Council President, or other appointing authority consider removing the member from the board, committee or commission;

c. In the case of an employee, that the employee's appointing authority consider disciplining or discharging the employee;

d. In addition to the sanctions imposed herein, that any person or entity violating paragraph E(2) of this Ethics Code not be awarded any City contract, grant, loan or any other thing of values for a period of 12 months from the date of the finding of a violation or that any such contract, grant, loan or things of value be terminated, repaid, forfeited or called in.

e. As an alternative, or in addition to the sanctions imposed herein, that any person violating the provisions of this section shall be subject to a nonreimbursable forfeiture of not more than \$500 per violation in an action brought by the City.

E.N. Nothing in this ordinance supersedes or limits the responsibilities of public officials and employees to be aware of and to abide by the other laws affecting their conduct as public officials or employees. These other laws, include, but are not limited to, § 19.59 and 946.10 through 946.18, Wis. Stats., which apply to various violations for conflict of interest, bribery, misconduct in public office, corrupt means to influence official actions, and private interests in public contracts.

Section 2. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 3. This ordinance was sponsored by Council Representative Rudy Schaar and Council President Ed Grunden.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this _____ day of _____, 2010.

Ed Grunden, Council President

Attest:

James E. Heilman, City Clerk