

CHAPTER 1

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1.01 FORM OF GOVERNMENT

The City of Reedsburg, Wisconsin operates under the Mayor-Council form of government under Chapter 62, Wis. Stats.

1A.01 OFFICE OF THE CITY ADMINISTRATOR *(Revised 4-24-05)*

In order to provide the City of Reedsburg with a more efficient, effective and responsible government under a system of a part-time mayor and part-time common council (hereinafter referred to as “council”) at a time when city government is becoming increasingly complex, there is hereby created the Office of City Administrator for the City of Reedsburg (hereinafter referred to as “administrator”).

1A.02 APPOINTMENT -- TERM OF OFFICE AND REMOVAL

The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a two-thirds vote of the council. For the purposes of appointing or terminating the administrator, the mayor and each alderman shall cast one vote. The administrator shall hold office for an indefinite term subject to removal at any time by a two-thirds vote of the council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code of the City of Reedsburg.

1A.03 FUNCTIONS AND DUTIES OF THE ADMINISTRATOR

The administrator, subject to the limitations defined in resolutions and ordinances of the City of Reedsburg and Wisconsin State Statutes, shall be the chief administrative officer of the city, responsible only to the mayor and the council for the proper administration of the business affairs of the city, pursuant to the statutes of the State of Wisconsin, the ordinances of the City of Reedsburg, and the resolutions and directives of the council, with power and duties as follows:

(A) GENERAL DUTIES

1. Carry out directives of the mayor and council that require administrative implementation, reporting promptly to the mayor and council any difficulties encountered herein;
2. Be responsible for the administration of all day-to-day operations of the city government including the monitoring of all city ordinances, resolutions, council meeting minutes and state statutes;
3. Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all nonstatutory positions of the city; and submit it to the city council for adoption as the official organization and administrative procedure plan for the city;
4. Establish when necessary administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government, not inconsistent with paragraph 3 above or directives of the mayor and council;
5. Serve as ex-officio nonvoting member of all boards, commissions and committees of the city, except as specified by the council or Wisconsin State Statutes;
6. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the council;

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7. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the council in obtaining these funds under the direction of the mayor and the council;
8. Represent the city in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the mayor and council;
9. Act as public information officer for the city with the responsibility of assuring that the news media are kept informed about the operations of the city and that all open meeting rules and regulations are followed;
10. Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
11. Promote the economic well-being and growth of the city through public and private section cooperation;

(B) RESPONSIBILITIES TO THE CITY COUNCIL

1. Attend all meetings of the council, assisting the mayor and the council as required in the performance of their duties;
2. In coordination with the mayor, the council, and the clerk, ensure that appropriate agendas are prepared to all meetings of the council, all council committees, and all other appropriate committees and commissions of the city, together with such supporting material as may be required; with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the council, or any of its committees and commissions;
3. Assist in the preparation of ordinances and resolutions as requested by the mayor or the council, or as needed;
4. Keep the mayor and council regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the council;
5. In the event that action normally requiring council approval is necessary at a time when the council cannot meet, the administrator shall receive directives from the mayor.

(C) PERSONNEL

1. Be responsible for the administrative direction and coordination of all employees of the city according to the established organization procedures;
2. Recommend to the council the appointment, promotion, and when necessary for the good of the city, the suspension or termination of department heads;
3. In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the city, the suspension of employees below the department head level;
4. Assist in labor contract negotiations and collective bargaining issues;
5. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.
6. In consultation with the appropriate department head, be responsible for the termination of seasonal and part-time employees.

(D) BUDGETING AND PURCHASING

1. Be responsible for the preparation of the annual city budget, in accordance with guidelines as may be provided by the city council and in coordination with department heads, and pursuant to state statutes, for review and approval by the mayor and the council;

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2. Administered the budget as adopted by the council;
3. Report regularly to the council on the current fiscal position of the city;
4. Supervise the accounting system of the city and insure that the system employs methods in accordance with current professional accounting practices;
5. Serve as the purchasing agent for the city, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the council and any limitation contained in the Wisconsin State Statutes.

1A.04 COOPERATION

All officials and employees of the city shall cooperate with and assist the administrator so that the city government shall function effectively and efficiently.

1.02 MAYOR

The mayor is elected at the regular city election in even numbered years for two (2) years. The mayor's salary shall be as ordered by a vote of three-fourths (3/4) of all the members of the council.

1.03 ALDERPERSON

There shall be nine alderpersons. Two alderpersons shall be elected from each aldermanic district. The ninth alderperson shall be "at large" and shall be elected by the entire City. Three alderpersons shall be elected annually for a term of three years. Except that one 2nd District Aldermanic position shall be elected to a two year term in 2014 to stagger the terms, but thereafter this term will be a three year term.

1.04 CITY WARDS

There shall be fourteen (14) city wards. The map showing the ward boundaries is attached hereto as exhibit A and incorporated herein by reference. (*Map Rev. 10-24-11*)

1.05 APPOINTED CITY OFFICIALS

(1) City Clerk and City Treasurer

- (A) Such person so selected to perform the duties of the office of City Clerk and City Treasurer of said City shall hereafter be appointed by the affirmative vote of a majority of the members of the Common Council of the City of Reedsburg and shall take office November 15, 1971.
- (B) Said person so appointed to perform the duties of such offices shall hold office for an indefinite term, subject to be removed as provided in section 17.12(1)(c) and (d) of the statutes of the State of Wisconsin.
- (C) Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law and such other duties as are requested to be executed by him by the common council from time to time.

1.05 Appointed City Officials

- (2) Assessor. An assessor shall be appointed by the Mayor subject to confirmation and a 2/3 vote of the members of the council, and shall hold office for the term of the contract. All candidates for such office are to be interviewed by a committee of 3 appointed by the mayor. Candidates shall file an application stating in detail their education, experience and qualifications for the position. The committee shall submit to the mayor and common council a written report on the qualifications of each candidate. Such report shall state the extent to which the firm possesses knowledge of the subject of taxation and the valuation of property, together with skill in matters pertaining thereto. *(Rev. 2-23-04)*
- (3) City Attorney. The City Attorney shall be appointed by the Council annually in April.

1.06 COMPTROLLER

The City Administrator shall perform the duties of the comptroller.

1.07 BONDS

The following officers shall give the following bonds:

- (1) City Clerk \$ 1,000.00
- (2) City Treasurer 400,000.00

1.08 OFFICE OF CHIEF OF POLICE ESTABLISHED

The offices of marshal and constable are abolished and the office of Chief of Police is created.

1.09 CITY HALL OFFICE HOURS

City Hall offices shall be open such hours as are prescribed by the Common Council from time to time.

1.101 BOARD OF REVIEW

- (1) The Board of Review is created pursuant to Wis. Stat. sec. 70.46. The board shall have five members. The mayor shall appoint the members, subject to confirmation by the Common Council. None of the members shall have or hold public office or be publicly employed. The members shall serve staggered terms of three years and shall be paid a per diem at a rate established by the Common Council. The mayor shall designate the chair of the board.
- (2) Except as provided herein, 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, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis. The 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. 70.47(7)(af), unless a court determines that it is inaccurate, is, per Wis. State sec. 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stat. sec. 19.35(1).

1.102 COMMUNITY DEVELOPMENT AUTHORITY

The Community Development Authority is created pursuant to Wis. Stat. sec. 66.1335. The authority shall have seven members. Two of the commissioners shall be members of the Common Council and shall serve during their terms as council members. Five of the commissioners shall serve staggered terms of four years. The commissioners shall be appointed by the mayor, subject to confirmation by the Common Council. The mayor shall designate the chair of the authority.

1.103 UTILITY COMMISSION

- (1) **Municipal Utilities.** The City of Reedsburg municipal utilities shall consist of the electric, water, sewer and communications utilities. All municipal utilities shall be under the jurisdiction of the Utility Commission, except as elsewhere provided in the City of Reedsburg Code.
- (2) **Membership.** The Utility Commission shall consist of 2 officers of the City and three citizens, appointed by the Mayor subject to confirmation of the Council, for terms of 5 years, commencing on October 1, in the year of the appointment, provided the Mayor shall stagger the initial appointments so that upon expiration of such appointments 1 member shall be appointed annually for a term of 2 years. A vacancy shall be created in the office occupied by a member of the common council when the person ceases to be a member of the Council.
- (3) **Eligibility.** No person shall be eligible for membership on the Commission who sells supplies and materials directly to the Commission or for use by the municipal utilities.
- (4) **Organization.** The Commission shall organize by choosing from among its members a President and Secretary.
- (5) **Compensation.** Commission members shall receive such compensation as shall be agreed upon by the Commission and the Council, and the Commission shall fix the compensation to be paid to the Secretary.
- (6) **Powers and Duties.**
 - (a) **Method and Duties.** The Commission shall have the entire charge, management and direction of all municipal utilities not placed under the jurisdiction of the Board of Public Works, subject only to the general control and supervision of the Council and to the jurisdiction of the State Public Service Commission.
 - (b) **Employees.** The Commission may employ a manager or superintendent of utilities and may fix his compensation. The City Engineer may be employed as a superintendent or manager and his salary as such shall be fixed from time to time by agreement of the Commission and Council. The Commission may employ other necessary employees and fix their compensation.
 - (c) **Rules.** The Commission may make all necessary rules governing its own proceedings and the government of the electric, water and communications utilities and all other municipal utilities under its jurisdiction.
 - (d) **Construction Work.** Utility construction work shall be under the immediate supervision of the Commission and all other Public Works construction under the supervision of the Public Works Committee. The Commission shall have full authority to let bids and enter into contracts in the name of the City, provided that such contracts are necessary or convenient to the management and operation of the municipal utilities under the Commission's jurisdiction.
 - (e) **Other Powers.** The Commission shall have such other powers as are necessary or convenient to the management and operation of all municipal utilities not placed under the supervision of the Public Works Committee, and the City intends that the Commission shall have full authority respecting such utilities unless the authority is specifically withheld by statute.

1.103 Utility Commission

- (7) Utility Funds and Accounts. Utility funds shall be handled by the Treasurer in a separate account. The funds of the electric, water and communications utilities and all other municipal utilities under the Commission's jurisdiction shall be maintained in separate accounts. No funds shall be transferred to the City Treasurer except in accordance with Wis. Stat. sec. 66.069(1)(c) and (d).
- (8) Recordings and Proceedings.
 - (a) The Commission shall keep books of account as prescribed by the Public Service Commission of Wisconsin, which shall be public records.
 - (b) The Secretary shall keep the minutes of the previous proceedings of the Commission and shall report semi-annually to the Council giving a brief summary of the condition of the utilities and the manner in which funds are allocated. The Secretary shall provide members of the Council with copies of the minutes of the Utility Commission on a monthly basis.
- (9) Expenditures and Receipts. Expenditures of all municipal utilities under the jurisdiction of the Utility Commission shall be audited by the Commission and if approved shall be paid by the Treasurer upon warrants signed by the President and Secretary of the Commission. Receipts of any municipal utility placed under the jurisdiction of the Public Works Committee shall be paid to the City Treasurer.
- (10) Facsimile Signatures. Checks issued on the utility account may be signed by the facsimile signatures of the Mayor and President of the Utility Commission.

1.104 CITY PLANNING COMMISSION

The City Planning Commission is created pursuant to Wis. Stat. sec. 66.23(1). The commission shall have seven members as follows: the mayor, who shall be its presiding officer, the Director of Public Works, the Chair of Parks and Recreation Committee, a member of the Common Council and three citizens. The Common Council member of the commission shall be appointed by the mayor subject to election by a two-thirds vote of the council during each April. The three citizen members shall be appointed by the mayor, subject to confirmation by the council, to hold office for staggered terms of three years beginning May 1st of each year.

1.105 INDUSTRIAL & COMMERCIAL DEVELOPMENT COMMISSION *(Rev. 12-08-08)*

- (1) The Industrial/Commercial Development Commission is created. The commission shall have seven members. Two commissioners shall be members of the Common Council and shall serve during their terms as council members. Five commissioners shall serve staggered terms of three years. The commissioners shall be appointed by the mayor subject to confirmation by the council. The members of the commission shall elect the officers of the commission.
- (2) General Jurisdiction. The commission shall carry on all projects of the City concerned with industrial development and recruitment and may work with any private organization for such purpose. The commission may also recruit and promote commercial development and work with the Community Development Authority and Community Development Block Grant Committee in such commercial efforts.
- (3) Financial Records and Reports. All revenues raised by taxes by industrial development promoted by the commission shall be handled by the commission, which shall keep accurate records of its expenditures and make a financial report to the council during December of each year.
- (4) Powers and Duties.
 - (A) The commission may acquire and develop sites for industrial purposes to the extent

1.105 Industrial & Commercial Development Commission

permitted by Wis. Stat. §66.1101, and acquire sites for industry that will expand the municipal tax base, Wis. Stat. §§67.04(2)(a), 62.22(1), and can recommend to the City and its Community Development Authority and Community Development Block Grant Committee the acquisition of sites for commercial development.

- (B) The commission may construct, own, lease and maintain buildings it acquires for public purposes and may convey property for a fair consideration.

1.106 AIRPORT COMMISSION

- (1) The Airport Commission is created pursuant to Wis. Stat. sec. 114.11. The commission shall have three members. One of the commissioners shall be a member of the Common Council who shall serve so long as the person is a member of the council. Two of the commissioners shall be appointed by the mayor, subject to confirmation by the Common Council. The mayor shall designate the chair of the commission.
- (2) Authority. The commission shall have the complete and exclusive control and management over the airport owned by the City of Reedsburg, subject to the provisions of the Wisconsin Statutes and the Minimum Standards adopted by the City as set forth in Chapter 22 of this code. *(Rev. 02-26-07)*

1.107 POLICE AND FIRE COMMISSION *(rev. 02-24-03)*

The Police and Fire Commission is created pursuant to Wis. Stat. sec. 62.13. The commission shall have five citizen members, three of whom shall constitute a quorum. The commissioners shall serve staggered terms of five years. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of five years. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The commission shall keep a record of its proceedings and shall elect its officers. Appointments by the mayor are subject to confirmation by the City Council.

1.108 LIBRARY BOARD

The Library Board is created pursuant to Wis. Stat. sec. 43.52. The board shall have seven members. One member shall be a member of the Common Council appointed annually for a term commencing May 1st. Five members shall be appointed to serve staggered terms of three years commencing May 1st. The members shall be appointed by the mayor, subject to confirmation by the council. Per Wis. Stat. sec 43.54(1)(c) The Mayor, subject to Common Council approval, shall appoint one member who shall be a school district administrator, or the administrator's representative, to represent the public school district, that person may be a non-resident of the City. The board shall select its officers.

1.109 ROOM TAX COMMISSION

- (1) The Room Tax Commission is created pursuant to Wis. Stat. sec.66.75. The commission shall have five members appointed by the mayor and approved by the council. One of the commissioners shall be a member of the Common Council, and one member shall be a representative of the Reedsburg hotel/motel industry. All of the commissioners shall serve terms of one year commencing May 1st annually. Notwithstanding Code Sec. 2.01, one

1.109 Room Tax Commission

individual who is not a resident of the City of Reedsburg, but who is an owner or the owner's designee of a hotel/motel establishment, may be appointed to serve on the Room Tax Commission. (*Rev. 5-10-08*)

- (2) The commission shall, from time to time, negotiate and enter into an agreement to provide funding the Reedsburg Area Chamber of Commerce for tourism promotion and development activities consistent with the law. The commission shall approve an annual program budget and work in conjunction with the Chamber of Commerce to create and implement a marketing plan and other appropriate programs.

1.110 SPECIAL/ADVISORY BODIES

- (1) In addition to the foregoing boards, commissions and authorities, the mayor, with the approval of the council, may, from time to time, create such additional special/advisory bodies as needed. Such bodies shall be established and governed by resolution; except that, any such body which is expected to have a duration of one year or more shall be established and regulated by ordinance in this code section.
- (2) Community Development Block Grant Committee
 - (A) The Community Development Block Grant Committee shall have seven members. One of the members shall be a member of the Common Council appointed annually by the mayor and confirmed by the council. The six public members of the committee shall be appointed by the mayor and confirmed by the council and shall serve staggered terms of three years.
 - (B) The committee shall be an advisory committee to the mayor, council, community development authority and city staff regarding community development issues. The committee shall have membership consistent with state and federal housing and community development rules. The committee shall have responsibility of approving loans from the housing assistance and economic development revolving loan fund as authorized and delegated by the council. The administration of loans shall be consistent with state and federal grant and loan regulation.
- (3) The Reedsburg Area Development Council
 - (A) The Reedsburg Area Development Council shall have twelve members. The following local units of government shall each have three members: City of Reedsburg, Town of Reedsburg, Town of Winfield and Town of Excelsior. The representatives of the City of Reedsburg shall be appointed by the mayor, with the consent of council, for 3-year terms effective May 1. The other local units of government shall appoint their representatives. The council shall elect its officers. (*Rev. 9-10-01*)
 - (B) The council shall review major development proposals for land use changes in the extraterritorial area, such as subdivisions, certified survey maps, road and utility extensions and planned unit developments. The council is to advise the City Planning Commission and Common Council prior to action on specific proposals. The council shall also review variance requests to the extraterritorial board of appeals and provide recommendations to that board.
- (4) ***Vacant*** (*Rev. 02-25-13*)
- (5) ***Vacant*** (*Rev. 02-25-13*)
- (6) Public Safety Committee (*Created 05-10-10*)
 - (A) The Public Safety Committee shall have five (5) voting members consisting of: the Mayor (or his/her Council Member designee), one (1) Alder, and three (3) resident members of the City. Nonvoting members shall include the City Police Chief, the City Fire Chief, the Ambulance District Chief, and the City Emergency Management

1.110 Special/Advisory Bodies

Director. The alder shall be appointed annually by the Mayor and confirmed by the Common Council. The three (3) resident members shall be appointed by the Mayor and confirmed by the Common Council and shall serve staggered three (3) year terms.

- (B) The Public Safety Committee shall advise the Mayor, Common Council and City Staff and have no powers or authority over the Police, Fire, Ambulance or Emergency Management Department operations, nor shall it have any of the powers vested in the Police and Fire Commission as stated in Reedsburg City Ordinance 1.107, or relevant Wisconsin Statutes cited therein. The role of the Public Safety Committee shall in no way interfere with the lawfully prescribed powers and duties of the Common Council, Police & Fire Commission, Mayor, Police Chief, Fire Chief, Ambulance District Chief or Emergency Management Director.
- (C) The Public Safety Committee shall:
 - 1. Review service priorities and capital budget priorities of the Police, Fire, Ambulance and Emergency Management Departments;
 - 2. Consult with appropriate bodies from neighboring municipalities and counties to discuss and develop recommendations to address regional public safety issues;
 - 3. Provide recommendations regarding general policies, plans and long-range goals for the Police, Fire, Ambulance and Emergency Management Departments.

1.111 PUBLIC CONSTRUCTION WITHOUT BIDS

Any public works or public construction or any part thereof shall be done directly by the City without submitting the same for bids.

1.112 RESERVED FOR FUTURE USE

1.113 GIFT AND GRATUITY

- (1) It shall be unlawful for any public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person:
 - (A) Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or
 - (B) Conducts operations or activities which are regulated by such employee's employer or the governmental body of a public official; or
 - (C) Has interests which may be substantially affected by public employee's employer or the governmental body of the public official.
- (2) The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the City of Reedsburg.

1.114 PUBLIC RECORDS

- (1) Definitions
 - (A) "Authority" means any of the following City entities having custody of a city record: an office, elected official, agency, board, commission, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
 - (B) "Custodian" means that officer, department head, division head or employee of the City designated under Sub. (3) or otherwise responsible by law to keep and preserve and city records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
 - (C) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- (2) Duty to Maintain Records
 - (A) Except as provided under Sub. (7), each officer and employee of the City shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed. Deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her duties, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
 - (B) Upon the expiration of an officer's term of office or an employee's term of employment or whenever the office or position of employment becomes vacant. Each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.
- (3) Legal Custodian(s)
 - (A) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
 - (B) Unless otherwise prohibited by law, the City Clerk or the Clerk's designee shall act as legal custodian for the common council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the common council.
 - (C) For every authority not specified in Subs. (A) or (B), the authority's administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
 - (D) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.
 - (E) The legal custodian shall have full legal power to render decisions and to carry out the

1.114 Public Records

duties of an authority under Subch. 11 of Ch. 19, Wis. Stats, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) Public Access to Records

- (A) Except as provided in Sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in Sec. 19.35(1), Stats.
- (B) Records will be available for inspection and copying during regular office hours.
- (C) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying at least 48 hours advance notice of intent to inspect or copy.
- (D) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.
- (E) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (F) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - 1. The cost of photocopying shall be \$.20 per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
 - 2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - 3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or video-tapes, shall be charged.
 - 4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - 5. There shall be no charge for locating a record unless the actual cost thereof exceeds \$40.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester. Actual costs shall be determined on the basis of any direct costs to the City in addition to the actual hourly wage, including fringe benefits, of the employee searching for the record multiplied by the amount of time spent in the search.
 - 6. The legal custodial shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00
 - 7. Elected and appointed officials of the City of Reedsburg shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - 8. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (G) Pursuant of Sec. 19.34, Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Subs. (4) thru (6) of this ordinance. This subsection does not apply to members of the Common Council.

(5) Access Procedures

- (A) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information

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requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request may be in writing before an action to enforce the request is commenced under Sec. 19.37, Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

- (B) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
 - (C) A request for a record may be denied as provided in Sub. (6). If request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Sec. 19.37(1), Stats., or upon application to the attorney general of a district attorney.
- (6) Limitations on Right to Access
- (A) As provided by Sec. 19.36 Stats., the following records are exempt from inspection under this section:
 1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 2. Any record relating to investigative information obtained for law enforcement purposed if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 4. A record or any portion of a record containing information qualifying as a common law trade secret.
 - (B) As provided by Sec. 43.30, Stats., public library circulation records are exempt from inspection under this section.
 - (C) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure the legal custodian, after conferring with the City Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would out-weigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
 1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 2. Records of current deliberations after a quasi-judicial hearing.
 3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any city officer or employee, or the investigation charges against a city officer or employee, unless such officer or employee consents to such disclosure.

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4. Records concerning current strategy for crime detection or prevention.
 5. Records of current deliberations or negotiations on the purchase of City property, investing of city funds, other city business whenever competitive or bargaining reasons require non-disclosure.
 6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 7. Communications between legal counsel for the City and any officer, agent, or employee of the City, when advice is being rendered concerning strategy with respect to current litigation in which the City or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
- (D) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the City Attorney prior to releasing any such record and shall follow the guidance of the City Attorney when separating out the exempt material. If in the judgment of the custodian and the City Attorney there is no reasonable way to separate the exempt material from the non-exempt material without unreasonable jeopardizing nondisclosure of the exempt material. The entire record shall be withheld from disclosure.
- (7) Unless otherwise provided by statute, the following categories of records shall be maintained for the following periods after their date of creation:
- (a) Police Department audio tapes - 120 days.
 - (b) Police Department squad and other evidentiary videos. A video may be erased and reused at such time as the video is deemed by the Department as having no evidentiary value.
(Created 6-11-07)

1.115 FAIR AND OPEN HOUSING *(Rev. 03-23-09)*

- (1) All provisions of Wis. Stat. 106.50 and all applicable portions of the Wisconsin Administrative Code regarding fair and open housing together with any amendments, additions or deletions which may occur in the future are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.
- (2) The officials and employees of the City of Reedsburg shall assist in the orderly prevention and removal of all discrimination in housing within the City of Reedsburg by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes.
- (3) The City Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, and shall assist any person alleging a violation thereof in the City of Reedsburg to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division for enforcement of Section 106.50, Wisconsin Statutes.

1.116 ATTENDANCE AT CLOSED SESSIONS

Pursuant to Wis. Stat. sec. 19.89, and unless otherwise provided by law, no duly elected or appointed member of a governmental body who attends a meeting of a sub-unit of that governmental body may participate in that meeting unless authorized by the chair of that body, board, commission or committee.

1.17 REGULATION OF ALARM SYSTEMS *(Created 02-12-07)*

- (1) Definitions.
- (A) “Alarm Business”. Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
 - (B) “Alarm System”. An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police & Fire Department is expected to respond. In this section, the term “alarm system” shall include the terms “automatic holdup alarm systems”, “burglar alarm systems”, “holdup alarm systems” and “manual holdup alarm systems”, as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this section are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
 - (C) “Annunciator”. The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible location has been activated or which, in the event of malfunction, may also indicate line trouble.
 - (D) “Answering Service”. A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police and Fire Department.
 - (E) “Automatic Dialing Device”. An alarm system, which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
 - (F) “Automatic Holdup Alarm System”. An alarm system in which the signal transmission is initiated by the action of the robber.
 - (G) “Burglar Alarm System”. An alarm system, which signals an entry or attempted entry into the area protected by the system.
 - (H) “Central Station”. An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
 - (I) “Direct Connect”. An alarm system, which has the capability of transmitting system signals to the Police and Fire Department.
 - (J) “False Alarms”. The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of owner or lessee of an alarm system or his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
 - (K) “Interconnect”. To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
 - (L) “Manual Holdup Alarm System”. An alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.
 - (M) “Primary Trunk Line”. A telephone line leading directly into the dispatch center of the Police and Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.

1.17 Regulation of Alarms Systems

- (N) “Subscriber”. A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.
- (2) Administrative Rules. The Chief of Police may promulgate such rules as may be necessary for the implementation of this Chapter. Any such rules shall require the approval of the Common Council.
- (3) Automatic Dialing Devices. No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this section to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received by the Police or Fire Department shall only be done person to person on the telephone line.
- (4) Direct Connections to the Police Department. Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each department. If a direct connection is permitted, an annual connection charge of \$60.00 shall be imposed.
- (5) Testing
- (A) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- (B) No alarm system related through intermediate services to the Police Department may be tested to determine the Police Department’s response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this chapter.
- (C) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.
- (6) Notification. When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.
- (7) Fee for Answering Alarms.
- (A) Generally. Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (B) Intentional. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (C) False Alarms; Administrative Charges.
1. Any person, business, corporation or other entity having a permissible alarm system with alarm devices at one or more locations in accordance with the Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department in a calendar year, as follows:
 - Response 1 – No Charge
 - Response 2 – No Charge
 - Response 3 - \$75.00
 - Response 4 - \$150.00
 - Response 5 or more - \$200.00

1.17 Regulation of Alarms Systems

2. This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to the alarm receiving firm to which the Police and Fire Department have responded and shall be applied regardless to the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm". Failure to pay such administrative charges shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeitures which may be imposed under the next subsection (E) hereof for violation of this section for allowing or maintaining conditions or acts violative to the intent of this section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.
- (D) Waiver of Fee. If a possessor of the alarm shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under subsection (C).
- (E) Other Violations. Any person, corporation or other entity violating this section in any manner, other than for collection of unpaid administrative charges treated in the preceding subsection (c) of this section, shall be fined not less than \$50.00 and not more than \$500.00 for each separate violation. Every day a violation continues shall constitute a separate violation. When any premises located in the City is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this chapter are complied with, and each person may be subjected to a penalty on violation of this section.
- (F) Default of Payment for Forfeiture and/or Costs. On default of payment of forfeiture and/or costs under the immediately preceding subsection (C) and/or (E), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of fee, the amount due may be placed on the tax roll as a special charge pursuant to Wis. Stat. Sec. 66.60(16).
- (8) City Liability. The City of Reedsburg shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this chapter including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

1.18 RESERVED FOR FUTURE USE

1.19 RESERVED FOR FUTURE USE

1.20 CITY OF REEDSBURG CODE OF ETHICS

- (1) Statement of Purpose
 - (A) The proper operation of democratic government requires that public officials and employees be 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

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government. In recognition of these goals, there is hereby established a Code of Ethics for all City of Reedsburg 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 Reedsburg 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 Reedsburg.

(2) Definitions

The following definitions shall be applicable in this Code:

- (A) “Public Official” means those persons serving in elected or appointed offices and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council whether paid or unpaid.
- (B) “Public Employee” means any person excluded from the definition of a public official who is employed by the City.
- (C) “Anything of Value” means any gift, favor, loan, service having a value of more than \$25.00 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.
- (D) “Business” means 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” 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 (1/2) of his or her support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his or her support.
- (F) “Significant Interest” means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of any business.
- (G) “Financial Interest” means 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:

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- (A) Sec. 946.10. Bribery of Public Officers and Employees.
 - (B) Sec. 946.11. Special Privileges from Public Utilities.
 - (C) Sec. 946.12. Misconduct in Public Office.
 - (D) Sec. 946.13. Private Interest in Public Contract Prohibited.
 - (E) Sec. 19.41 et. seq. Code of Ethics for Public Officials and Employees.
- (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 and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their prime concern.
- (5) Dedicated Service. Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall 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. Members of the City staff are expected to follow their appropriate professional code of ethics.
- (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) 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 their position with the City to secure any advantage, preference or gain, over and above his or her rightful remuneration and benefits, for themselves or for a member of their immediate family.
 - (C) 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 Code is a candidate or treasurer.
- (7) Conflict of Interest
- (A) Financial and Personal Interest Prohibited.
 - 1. No official or employee of the City, 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 Code 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 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, 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

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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 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) Gifts and Favors
1. No official or employee, personally or through a member of his or her 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 or her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his or her independence of judgment or action in the performance of his or her duties or grant in the discharge of his or her 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 such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts 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 or gifts 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 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.
 4. Gifts received by an official or employee or his or her immediate family under unusual circumstances shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Code 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 (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Code.

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- (D) Representing Private Interests Before City Agencies or Courts.
 - 1. Non-elected City officials and employees shall not appear on behalf of any private person (other than himself 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.
 - 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) above 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 of 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 or her 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 or her part shall enter into any contract with the City unless, within the confines of Wis. Stat. sec. 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.
- (8) Ethics Board. (Rev. 7-26-10)
 - (A) The ethics board shall consist of five members. The membership of the ethics board shall consist of four citizens and one alderperson. The non-alderperson members shall not be an elected official, full-time appointed official or City employee, nor shall the non-council members be currently serving on any other City board, commission or committee. The city attorney shall furnish the board any legal assistance necessary to carry out its functions.
 - (B) Ethics Board members shall be appointed by the mayor, subject to confirmation by the council. Initial terms of office shall be one citizen shall be appointed for two years, one citizen will be appointed for one year, and two citizens will be appointed for three years. There after all terms shall be three years. Terms begin May 1 of the respective year. Each year the Mayor shall appoint the alderperson at the annual reorganization meeting. Three members shall constitute a quorum of the Board.
 - (C) The Ethics Board shall elect its own chair.
 - (D) The Ethics Board may make recommendations to the common council with respect to amendments of this code of ethics.
 - (E) Any person covered by this Ethics Code may apply in writing to the Board for an advisory opinion regarding the propriety of any matter to which the person is or may become a party. The Board shall meet to review such a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests, therefore, shall be in writing and shall state all material facts. It shall be prima facie evidence of intent to comply with this Ethics Code when a person refers a matter to the Board and abides by the advisory opinion of the Board if the material facts are as stated in the opinion request. Meetings held by the Board for deliberation and action upon such application shall not be open to the public nor shall a non-member Common Council member or the Mayor be

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authorized to attend any such meeting of the Board unless requested to do so by the Board. Advisory opinions rendered by the Board shall be in writing and shall state the material facts upon which the opinion is based. A record of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection as required by Chapter 19, Wis. Stats. Except as provided by §19.59(5)(b), Wis. Stats., the Board shall not make public the identity of any person requesting an advisory opinion or of persons or organizations mentioned in the opinion. If the Board determines that an advisory opinion rendered by the Board would be of significant value to other officials or employees, the Board may issue a summary of the opinion provided that the summary does not disclose the identity of the person originally requesting the advisory opinion. In all cases, the Board may request an advisory opinion from the City Attorney.

- (F) All complaints alleging that an official or employee committed a violation of this Ethics Code shall be addressed to the Ethics Board and shall be filed with the City Clerk. All such Complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this Ethics Code and shall further state the evidentiary facts supporting the charge.
- (G) Within 14 days after the filing of a properly verified complaint with the City Clerk, the Board shall meet to review the complaint. Within three business days after its initial review of the complaint, the Board shall mail a copy of the Complaint to the respondent by certified mail or shall have a copy of the Complaint delivered to the respondent by personal service.
- (H) Following its initial review of a verified complaint, the Board may make a preliminary investigation with respect to each alleged violation of this Ethics Code. No preliminary investigation of an alleged violation of this Ethics Code may be initiated until a copy of the Complaint and notice of the Board's intent to investigate the charge has been mailed by certified mail to the respondent or personally served upon the respondent. The preliminary investigation shall be completed within 30 days after the date that the Complaint and notice thereof is mailed to the respondent or personally served upon the respondent except the Board may extend the investigation period for up to an additional 60 days with notice to the respondent and to the complainant.
- (I) If, after its preliminary investigation, the Board finds that probable cause does not exist for believing that the respondent violated this Ethics Code, it shall dismiss the Complaint. The Board shall promptly notify the complainant and the respondent by certified mail or personal service of its decision dismissing the Complaint. The Board's decision to dismiss a complaint shall be final. The same complaint or a complaint which is substantially similar to the dismissed complaint shall not be reconsidered by the Board unless within 20 days of the Board's mailing or personal service of its Dismissal Order, the complainant files with the Board additional material facts which were not available to the complainant at the time the original Complaint was filed and which, if true, would probably change the Board's decision. The Board's decision to reconsider or not to reconsider a decision under this subsection shall be final. If the Board determines that a verified complaint was brought for harassment purposes, the Board shall so state in its decision.
- (J) If, after its preliminary investigation, the Board finds that probable cause does exist for believing the allegations of the Complaint, it shall conduct a hearing on the matter. The hearing shall be held not more than 60 days after the Board's finding of probable cause. The Board shall give the respondent and complainant written notice of the hearing date by mailing a notice thereof to the respondent and to the complainant by first class mail at least 20 days prior to the hearing date thereof. The hearing shall be held in closed session except that the respondent shall have a right to demand that the hearing be held in open session and, upon such demand, the Board shall conduct the hearing in open session.
- (K) The chairperson of the Board shall preside over the proceedings and the City Attorney shall provide legal assistance to the Board as needed. The complainant and the

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respondent may be represented by an attorney and the respondent may also be represented by a union representative. Both parties may compel the attendance of witnesses by Subpoenas. Subpoenas may be issued by the Chairperson of the Board pursuant to §885.01, Wis. Stats. Each party shall be responsible for serving subpoenas on their respective witnesses and for paying any witness and mileage fees to the witness as required by the Wisconsin Statutes.

- (L) All testimony of witnesses at the proceedings shall be given under oath, administered by the Chairperson in the form and manner prescribed by the Wisconsin Statutes. A record of the testimony may be made by stenographic, electronic or other recording method, as the Board determines. The record produced at the direction of the Board shall be the official record of the proceeding. The proceedings may be adjourned or continued by the Board from day to day until completed.
- (M) The proceedings shall be conducted in the following order:
 1. Statement of the issues and rules by the Chairperson.
 2. Brief factual summaries, if any, by both sides.
 3. Presentation of testimony and the introduction of evidence by the complainant to substantiate the charge.
 4. Cross examination of witnesses by the respondent.
 5. One additional opportunity to question witnesses by the complainant.
 6. One additional opportunity to cross-examine witnesses by the respondent.
 7. Presentation of the base for the respondent.
 8. Repeat of steps (4), (5) and (6) regarding witnesses and evidence produced on behalf of the respondent.
 9. Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.
 10. Brief closing arguments, if any, by both sides.
- (N) The Board shall not be bound by common law or statutory rules of evidence and the Board shall hear all evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony or evidence. Basic principles of relevancy, materiality and probative force shall govern this proceeding. Hearsay evidence will not be permitted where direct evidence is reasonably available. The Board will not base crucial or essential evidentiary findings on hear-say evidence. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record. All evidence, including records and documents, shall be duly offered and made a part of the record. The Chairperson shall rule on any objections or procedural matters. Any member of the Board and the City Attorney may ask questions of the witnesses. No party or witness shall be permitted to ask questions of any Board member during the proceedings, unless expressly authorized by the Chairperson.
- (O) The Board shall deliberate in closed session.
- (P) Within 10 working days of the conclusion of the hearing, the Board shall file its written Findings of Fact, Conclusions of Law and Recommendations signed by a majority of the participating members and concerning the propriety of the conduct of the respondent. Any member of the Board may indicate his/her dissent to the written Order. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the Complaint, and if requested to do so by the respondent, the Board shall issue a public statement in that regard. If the Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the Complaint, the Board shall refer its findings, conclusions and recommendation to the Common Council or to other proper City Authority, and/or, in the case of an employee, to the City Administrator and/or the Mayor as deemed appropriate. In its recommendation, the Board may recommend that the Common Council order the official or employee to conform his or her conduct to the

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Ethics Code or recommend that the official or employee be cautioned, censured, suspended, removed from office, issued a private reprimand, public reprimand, and, in the case of an employee, may also recommend suspension without pay, discharge, or other appropriate disciplinary action. In appropriate cases, the Board may recommend the referral of the matter to the District Attorney to commence enforcement proceedings pursuant to the procedures and remedies of §19.59, Wis. Stats.

- (Q) Records obtained or prepared by the Board in connection with an investigation of a violation of this Ethics Code shall not be open for public inspection, except that the Board shall permit public inspection of records of a hearing conducted in open session pursuant to the request of the respondent as provided in subsection (J) hereof. Whenever the Board refers an investigation and hearings record to a District Attorney, the District Attorney may make public such records in the course of a prosecution initiated thereon.
 - (R) The time frames set forth in this Ethics Code specifying Board action are not jurisdictional and the Board may, where appropriate, extend any time period as necessary.
- (9) Distribution of Ethics Code
- (A) The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the City within 30 days after enactment of this section. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his or her duties.
 - (B) Each public official, Mayor, the chairman of each board, commission or committee and through the City Administrator, the head of each department, shall, between May 1st and May 31st each year, review the provisions of this code with their fellow council members or board, commission, committee members or subordinates, as the case may be, and certify to the City Clerk by June 15 that such annual review had been undertaken. A notice of this Ethics Code shall be continuously posted on the City bulletin boards wherever situated.
 - (C) Each public official and employee shall, in connection with pars (a) and (b) above, also complete and file with the City Clerk, as appropriate, the following statement of understanding:
“I have read and understand the contents of the City of Reedsburg Ethics Code, including the attached State statutes.* I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the Ethics Code.” (* 946.10 through 946.13; and, 19.41 et seq.)
- (10) Employees Covered by 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 Ethics Code.
- (11) Sanction. A determination that an employee’s actions constitute improper conduct under the provisions of this Code may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, which may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.
- (12) Police Officers and Firefighters. When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be performed in accordance with the provisions of Wis. Stat. sec. 62.13.
- (13) Penalties. Violation of any provision of this 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 Reedsburg. For non-elected officials or City employees, violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action. As an alternative or an addition to the sanctions

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imposed herein, any person violating the provisions of this sanction shall be subject to a nonreimbursable forfeiture of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars.