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CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*

MONDAY, OCTOBER 4, 2021 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council.
- C. Adjournment.

\*Supporting documentation and details of these agenda items are available at City Hall during normal business hours

[Note Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services For additional information, contact the City Clerk’s office at (414) 425-7500 ]

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>10/04/2021</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Consideration of a Resolution Adopting the City of Franklin Code of Conduct for All Elected and Appointed Officials and the Rules of the Common Council</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><b>B.</b></p>

**BACKGROUND**

Based on the outcome of an investigation in early 2021 regarding an employee complaint, the Attorney representing the City's Liability Insurance Provider recommended that the City make efforts to create proper, respectful, and effective communication protocols and initiate leadership improvements. To that end, over the past seven months, staff and the Council have been working very hard on creating two valuable documents. The first document, the City of Franklin Code of Conduct, is being recommended to ensure that all City Officials have clear guidelines for carrying out the responsibilities they are charged with, while maintaining high standards of integrity, trustworthiness, honesty, and fairness; and the second document, the Rules of the Common Council, is being recommended to promote consistency and orderly City of Franklin Meetings.

These documents were reviewed, discussed, and updated based on input received when the item was discussed at the following seven Common Council and Committee of the Whole Meetings: 4/19/2021, 5/3/2021, 6/14/2021, 7/20/2021, 8/3/2021, 8/17/2021, and 9/7/2021. In addition to those meetings, there were numerous one-on-one meetings between individual Alderpersons and staff to obtain the Alderperson's questions, suggested changes, and clarification requests that needed to be considered by the Council at subsequent meetings. Staff compiled those questions, suggestions, and clarification requests into separate documents that the Council considered at the applicable meetings noted above.

This item was last discussed at the September 7, 2021 Council Meeting, when Council directed staff to: (1) review/clarify the voting procedures with regard to appointing new members and breaking ties; (2) review the charter ordinances to determine applicability of those ordinances to these documents; (3) review/clarify the duties of the Council President; (4) review/clarify the Mayor's participation in debate, (5) add aldermanic notice of important safety matters; (6) consult with legal counsel appointed by the City's insurance provider to obtain an opinion regarding whether the draft Code of Conduct and Rules of the Common Council satisfy counsel's expectation and/or the requirements of the insurance company, and (7) send the updated, draft documents to the Committee of the Whole, for review and consideration, at the regularly scheduled Committee of the Whole Meeting on October 4, 2021.

**ANALYSIS**

In regard to Council's directive to staff, as noted above, the following actions have been taken:

- (1) Review/clarify the voting procedures with regard to appointing new members and breaking ties – *Staff reviewed the City's Municipal Code which states the following in § 19-6, "Deliberations of the Council shall be conducted in accordance with the parliamentary rules in Robert's Rules of Order, Revised, incorporated herein by reference". In addition, § 19-7 (E) states, "A majority of the votes cast when a quorum is present shall be necessary for passage, adoption or approval of any proposed ordinance, motion, resolution or appointment, unless a larger number is required by statute". With*

*those elements established, staff is recommending that the following be added to the Rules of the Common Council:*

*Section 5 (n.) BREAKING TIES - The Presiding Officer can (but is not obligated) to vote whenever his/her vote will affect the result – that is, he/she can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote. (Per Robert's Rules of Order.)*

*Section 14 (add a new Section 14 and rename the current Section 14 to Section 15) – COUNCIL APPOINTMENT OF A COUNCIL MEMBER DUE TO VACATION OF A COUNCIL SEAT BETWEEN ELECTIONS – Per Wisconsin State Statutes, § 17.23, vacancies in offices of mayor or alderperson of cities operating under the general law or special charter may be filled by the common council, by majority vote, appointing a successor to serve for the residue of the unexpired term or until a special election is held, as ordered by the common council under § 8.50, or an office may remain vacant until an election is held. Also, per § 19.88, (1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting. In accordance with Wisconsin State Statutes, § 17.23 & § 19.88, the City of Franklin utilizes the following process to fill a Council vacancy: (1) Issues and publishes an Official Notice to Residents of the vacancy and accept letters of interest; (2) Invites all interested parties to a meeting of the Common Council to make a presentation to the Common Council; and (3) The Common Council appoints by majority vote. The appointment is complete once the result of a sufficient vote is ascertained and announced, and no resolution declaring that person to be appointed is necessary. Once appointed, the governing body may not rescind its vote or reconsider its actions and elect another person. This process is utilized when Council determines that it wishes to fill a vacated Council seat through an appointment process.*

- (2) Review the charter ordinances to determine applicability of those ordinances to these documents – Staff reviewed the City's Charter Ordinances and did not find any information applicable to the Code of Conduct or the Rules of the Common Council.*
- (3) Review/clarify the duties of the Council President – Staff reviewed the Municipal Code which includes the following in regard to the role of the Council President:*

*Per Municipal Code § 19-2 (C): "...The Mayor shall preside over meetings of the Committee of the Whole, unless absent, in which case the Common Council President shall preside; in the further absence of the Council President, the Alderperson designated upon the rotation calendar for such service pursuant to § 33-1 C of this Code shall call the meeting to order and preside until the Committee selects one of its members to preside for that meeting".*

*Per Municipal Code § 19-3 (B): "...If the Mayor is absent at any meeting, the Council President shall preside. In the absence of both the Mayor and Council President, the Clerk shall call the meeting to order and preside until the Council selects an Alderperson to preside for that meeting".*

*Per the Municipal Code § 33-1 (C): "Emergency interim successors to Office of Mayor. If the Mayor, for any reason specified in the charter or ordinances, is not able to exercise the powers and discharge the duties of his or her office, or is unavailable, and if the President of the Council for any of the reasons specified in the charter or ordinances is not able to exercise the powers and discharge the duties of the Office of Mayor, or is unavailable, the Aldermanic members of the Common Council, excepting the Common Council President, in rotation according to district number representation and calendar month (commencing with October 2002, i.e., October, 2002: District 1; November, 2002:*

*District 2, and so on; the City Clerk preparing a calendar showing such rotation upon each election of a Common Council President for the forthcoming or remaining term of the Council President and the City Clerk maintaining such calendar in the office of the City Clerk), shall exercise the powers and discharge the duties of the Office of Mayor until a new Mayor is elected and qualified or until a preceding named officer becomes available; but no emergency interim successor to the aforementioned offices may serve as Mayor. In the event that an Aldermanic member is unable or unavailable to serve as set forth above during the Aldermanic member's designated service month and the inability or unavailability of the Mayor and Council President, the Alderperson designated upon the rotation calendar for such service during the next succeeding month shall so serve during such designated service month until the earlier of the expiration of such month or until a preceding named officer becomes available."*

- (4) Review/clarify the Mayor's participation in debate – *Staff reviewed Chapter 19 of the City's Municipal Code and found the following in § 19-3 (C), "Participation in debate. The presiding officer may speak upon any question".*
- (5) Add aldermanic notice of important safety matters – *Staff reviewed the current version of the draft Code of Conduct, specifically Section 2 (D) and updated it to reads as follows: "Out of courtesy to all Council Members, important safety matters as determined by the Mayor will be communicated to the Council Members as soon as practicable once they become available/known. In addition, new information regarding appropriate City Business/Communications will be disseminated to the Body prior to disseminating on social media."*
- (6) Consult with legal counsel appointed by the City's insurance provider to obtain an opinion regarding whether the draft Code of Conduct and Rules of the Common Council satisfy counsel's expectation and/or the requirements of the insurance company – *Staff contacted Mary Nelson, Attorney at Crivello Carlson, who was hired by the City's Insurance Provider, to ascertain her opinion on this matter. After a thorough review of the documents in question, as well as a multiple-hour conversation to discuss the matter, Attorney Nelson fully agreed with the documents as they relate to the matter she investigated earlier this year. She commented specifically that these documents put into written format what the law and the City's organizational structure dictate in regard to the resolution of that matter.*

In addition, staff provided Alderman Holpfer the current versions of the documents as well as a background on the process to date.

The current versions of each of the documents are included with this item.

#### **RECOMMENDATION**

Staff recommends that the Common Council establish the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council and include these documents in the newly created Council Reference Manual.

### **COMMON COUNCIL ACTION REQUESTED**

Motion to approve Resolution No. 2021-\_\_\_\_, a Resolution to adopt the City of Franklin Code of Conduct for all Elected and Appointed Officials and the Rules of the Common Council and include these documents in the newly created Common Council Reference Manual.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION ADOPTING THE CITY OF FRANKLIN CODE OF CONDUCT FOR ALL ELECTED AND APPOINTED OFFICIALS AND THE RULES OF THE COMMON COUNCIL

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WHEREAS, it is desirous that city government operate in the most professional, open, transparent and efficient method practicable; and

WHEREAS, it is recognized that the purpose of the meetings of the Franklin Common Council is to conduct the business of the City, contemplate business and legal decisions properly put before the Council, and to provide direction to the Mayor for administration of policies and decisions;

WHEREAS, it is desirous that a City of Franklin Code of Conduct for all Elected Officials, Boards/Commissions/Committees Members, and Appointed Officials, to uphold, promote, and demand the highest standards of ethics be established as is detailed in *Attachment A*; and

WHEREAS, it is desirous that Rules of the Common Council are established to promote consistency and orderly meetings of the Common Council as is detailed in *Attachment B*.

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin Common Council and Mayor to adopt the following: (1) City of Franklin Code of Conduct for all Elected Officials, Boards/Commissions/Committees Members and Appointed Officials, and (2) Rules of the Common Council, in conjunction with the ordinance currently authorized through the City of Franklin Municipal Code, Chapter 19, Council Proceedings and Wisconsin State Statutes.

BE IT FURTHER RESOLVED THAT, both the City of Franklin Code of Conduct and the Rules of the Common Council are to be reviewed periodically, as needed, and at the Organizational Meetings of each newly seated Council.

Introduced at a regular meeting of the Common Council of the City of Franklin this 5th day of October, 2021 by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 5th day of October, 2021.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_ NOES \_\_\_ ABSENT \_\_\_

**CITY OF FRANKLIN CODE OF CONDUCT  
ELECTED AND APPOINTED OFFICIALS  
October 4, 2021**

**SECTION 1: PURPOSE**

It is the policy of the City of Franklin to uphold, promote, and demand the highest standards of ethics from its elected and appointed officials. Accordingly, the Mayor; Common Council Members; Commission/Board/Committee Members; and Appointed Officials shall maintain the standards of personal integrity, trustworthiness, honesty, and fairness in carrying out their public duties, avoid improprieties in their roles as public servants, comply with all applicable laws, and shall not use their City position or authority improperly or for personal gain.

This Code of Conduct exists to ensure that all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Franklin, and with all other private and governmental entities. It is understood that all City Officials aspire to maintain these standards. In the event that these shared objectives are not met, self-correction is the goal, with enforcement occurring when necessary.

All officials recognize that an action may be legal but may also be unprofessional, inappropriate, or perceived as a form of harassment or abuse.

This Code of Conduct works in conjunction with the City of Franklin Municipal Code and State of Wisconsin Statutes.

**SECTION 2: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH ONE ANOTHER**

The Common Council and Mayor (hereinafter the "Council") have a responsibility to set policy for the City. In doing so, certain types of conduct foster positive debate while other types do not. The Council is responsible for treating one another as they wish to be treated. The same expectation is in place for Commission/Board/Committee Members.

The Council, as well as Commissions/Boards/Committees, is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Understanding the diversity which exists, all who choose to serve in public office have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal is to be acknowledged, and all officials must recognize that certain behavior will lead to success while other behavior is counterproductive.

A. Use of Formal Titles

All officials will make every effort to refer to one another and City staff formally during public meetings as Mayor, Council President, Alderperson, Board/Commission/Committee Member, followed by the individual's last name.

B. Use of Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every official has the right to an individual opinion, without interruption, which is to be respected by the other officials. Officials shall not be hostile, degrading, or defamatory when debating a contentious issue. Each official is to work under the premise that all other officials are acting with appropriate motives

and keeping the interest of the public in mind, and are not to be criticized for differing opinions because they believe them to be lacking in judgment or are improperly motivated.

However, this does not allow any official to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. Shouting, attacking, or other actions that could be construed as threatening or demeaning will not be tolerated. If an official is personally offended by the remarks of another official, the offended official should voice the concern promptly and afford the other official the opportunity to either explain the comment or apologize. If that is not successful, the offended official should call for a "point of personal privilege".

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, as well as Commission/Board/Committee Chairs, to keep the discussion of all members on track during meetings. Council/Commission/Board/Committee Members are to respect the efforts by the Mayor/Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's/Chair's actions, those objections are to be voiced respectfully and with reason, following commonly recognized parliamentary procedure.

D. Dissemination of Information

Out of courtesy to all Council Members, important safety matters, as determined by the Mayor, will be communicated to the Council Members as soon as practicable once they become available/known. In addition, new information regarding appropriate City Business/Communications will be disseminated to the Body prior to disseminating on social media.

E. Use of Electronic Devices

Respect for one another, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use (i.e. use not related to City Business) of electronic devices is strongly discouraged and is to be reserved only for urgent situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings and is acceptable.

F. Social Media

Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff, and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments;
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual Harassing conduct includes, but is not

limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching;

- Shall never demean or personally attack an employee regarding the employee's job performance in public; and
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.

#### G. Newsletters by Council Members

Council Members are allowed to create newsletters; however, all Council Members must ensure that in expressing their own opinion, they do not mislead any reader/listener into believing that their individual opinion is that of the entire Council/Commission/Board /Committee unless the Council/Commission/Board/Committee has taken a vote of the Body on that specific issue and the Member's opinion is the same as the result of the vote of the Body on the matter.

#### H. Discrimination and Other Harassment

The Council is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class. Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.

### **SECTION 3: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH CITY STAFF**

Governance of the City relies on the cooperative efforts of elected officials who set policy and City staff who implement and administer the Council's policies. Therefore, every effort is to be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

The City of Franklin, through its form of government and Municipal Code, charges the Mayor as the responsible person for all staff in the City, except as may be otherwise provided by law pursuant to the Wisconsin Statutes.

The Common Council, upon recommendation from individual Council Members, professional staff, and volunteer Boards/Commissions/Committees, authorizes various aspects of personnel management including policies, pay plans, benefit plans and other related items. On Council direction, the Mayor is charged with implementing these items while working with the executive team. This provides for a single manager to direct our staff.

Members of the Common Council must be diligent in maintaining this "chain of command". Council Members shall not engage in directing employees in their tasks and/or injecting themselves into tasks and projects. Council Members are encouraged to get to know and support the City's 240+ employees, and treat them with respect and professionalism.

Should an individual Council Member see a deficiency, need a project or task performed, have a special request for service, or any other directive for staff, he/she is to communicate that, in writing, including the specific issue as well as a requested resolution, to the Mayor or Director of Administration. (This does not include Council Members' need for additional information needed for



Council agenda items or issues relevant to their districts, which is covered in the Rules of the Common Council.) In the event that the matter is not resolved within a reasonable amount of time after communications with the Mayor and the Director of Administration, the matter may be discussed at a Council or Committee of the Whole Meeting at the call of two Council Members by filing a written request with the Clerk.

All elected and appointed officials must constantly be aware of their impact on the morale and reputation of our employees in their statements and interactions.

A. Treat Staff as Professionals

Council/Commission/Board/Committee Members shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Council/Commission/Board/Committee Members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Council/Commission/Board/Committee Members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be directed to the Mayor or the Director of Administration through private correspondence or conversation.

C. Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Council, nor any of Commission/Board/Committee Members, shall attempt to supersede the administration's powers and duties. Neither the Council nor any Commission/Board/Committee Member thereof shall give orders to any of the Department Heads or their subordinates, either publicly or privately. Council/Commission/Board/Committee Members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to awarding contracts, selection of consultants, processing of development proposals, the granting of City licenses and permits, or any other similar City function.

Nothing in this section shall be construed, however, as prohibiting a Council Member or Commission/Board/Committee Member in an open meeting from fully and freely discussing with or suggesting to the Department Heads anything pertaining to City affairs or the interests of the City. And, it is also noted that there may be limited occasions when Council/Commission/Board/Committee Members need to communicate with staff outside public meetings, not related to questions on agenda matters.

D. Do Not Solicit Political or Business Support from Staff

Council/Commission/Board/Committee Members shall not solicit any type of political support, including: financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc., from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, however all such activities must be done away from the workplace and be the will of the staff member. Photographs of uniformed City employees shall not be used in political ads.

Council/Commission/Board/Committee Members should refrain from soliciting personal business, i.e. services, patronage, etc. that are not offered to the general public, from staff.

## **SECTION 4: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT TOWARDS THE PUBLIC**

### **In Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect are to be evident on the part of individual Council/Commission/Board/Committee Members toward an individual participating in a public forum. Every effort is to be made to be fair and impartial in listening to public testimony or input. All Council/Commission/Board/Committee Members are to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. And, all Council/Commission/Board/Committee Members are to respect and appreciate the public's participation, input, and opinions.

#### **A. Be Welcoming to Speakers and Treat Them with Care and Respect**

For many citizens, speaking in front of a governing body is a new and difficult experience; under such circumstances, many are nervous. Council/Commission/Board/Committee Members are expected to treat citizens with care and respect. (See section 2 D.) All Council/Board/Commission/Committee Members are to commit full attention to the speakers or any materials relevant to the topic at hand. Comments, when appropriate, and non-verbal expressions are to be respectful and professional.

#### **B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers**

The Mayor/Chair will determine and announce time limits on speakers at the start of the Public Hearing. Generally, each speaker will be allocated three minutes, with applicants, appellants, or their designated representatives allowed additional time. If a substantial number of speakers are anticipated, the Mayor/Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

Each speaker may only speak once during a Public Hearing unless the Body requests additional clarification later in the process. After the close of the Public Hearing, no additional public testimony will be accepted unless the Body reopens the Public Hearing for a limited and specific purpose.

#### **C. Ask for Clarification, but Avoid Debate and Argument with the Public**

Only the Mayor/Chair (no other Council/Board/Commission/Committee Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic, or similar. Council/Board/Commission/Committee Members may ask the Mayor/Chair to have the speaker repeat or clarify if there is an audio issue, hallway noise, or other similar matter. And, Council/Board/Commission/Committee Members may ask the Mayor/Chair for a point of order if the speaker is off the topic, exhibiting behavior or language that the Member finds disturbing or out of line, or if there are inaccurate statements made that the Member would like corrected. Member questions, regarding public input, to seek, clarify, or expand information are be directed to the Mayor/Chair.

#### **D. Follow Parliamentary Procedure in Conducting Public Meetings**

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of and to the Council, per Robert's Rules of Order.

## **Outside Public Meetings**

### **A. Make No Promise or Statement on Behalf of the City or Common Council in an Unofficial Setting**

Council/Commission/Board/Committee Members will frequently be asked to explain a Council/Commission/Board/Committee Action or to provide their opinion regarding an issue as they meet and talk with constituents in the community. It is appropriate to provide a brief overview of City Policy and to refer the constituents to City staff or the Mayor for further information. Overt or implicit promises of specific Council/Commission/Board/Committee Action or promises that City staff will take some specific action shall be refrained from.

All Council/Board/Commission/Committee Members must ensure that in expressing their own opinions, they do not mislead any listener into believing that their individual opinion is that of the entire Council/Commission/Board/Committee unless the Council/Commission/Board/Committee has taken a vote on that specific issue and the Member's opinion is the same as the result of the vote of the Body on the matter. Likewise, no Council/Commission/Board/Committee Member shall state in writing that Member's position in a way that implies it is the position of the entire Body. A member has the right to state a personal opinion and has the right to indicate that he/she is stating such as a member of the Body but must always clarify that he/she is not speaking on behalf of the City or the Common Council/Commission/Board/Committee unless specifically authorized by that Council/Commission/Board/Committee to do so.

## **SECTION 5: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH OTHER GOVERNMENTAL PUBLIC AGENCIES AND OFFICES**

Since Council/Board/Commission/Committee Members act as a single Body during official City Meetings, such members should curb individual communications with other agencies. Any such interactions would simply be as a citizen, NOT as a Council/Commission/Board/Committee Member. Council/Commission/Board/Committee Members may state their office position with the City, but shall also state that the Member has not been authorized by the Council/Commission/Board/Committee and is not appearing or communicating with the agency on the specific subject matter(s) with Council/Commission/Board/Committee direction to do so (unless the Council/Commission/Board/Committee has so authorized and directed the Member to do so); Council/Commission/Board/Committee may then otherwise state the reason for appearing or communicating with the agency and/or office. Common Council Members may use their respective City email accounts to so communicate in addition to other methods of communication.

All Council/Board/Commission/Committee Members must remember that, at most times, they are perceived in public as a representative of the City and should act and speak with that responsibility in mind.

### **A. Be Clear about Representing the City or Personal Interests**

If a Council/Commission/Board/Committee Member appears before another governmental agency or organization to provide a statement on an issue, the Member must clearly state whether his or her statement reflects a personal opinion or is the official position of the City.

All Council/Board/Commission/Committee Members must inform the applicable Body of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual Council/Commission/Board /Committee Member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Member must clearly communicate the organization upon whose behalf he/she is speaking and must withdraw from voting as a Council/Commission/Board/Committee Member upon any action that has bearing upon the conflicting issue.

B. Representation of the City on Intergovernmental Commissions and Other Outside Entities

Council Members serving on Boards, Commissions, or Committees as a City Representative for outside entities or agencies shall properly communicate with all other Council Members on issues pertinent to the City.

C. Conflict of Interest

Council/Board/Commission/Committee Members are encouraged to request a Conflict of Interest Opinion from the City Attorney if unsure whether a personal conflict exists on specific matters.

D. Mayor's Role Representing the City

The Mayor is charged with representing the City, speaking on its behalf, and communicating with the Council regarding these matters when appropriate.

**SECTION 6: ELECTED OFFICIALS CONDUCT WITH COMMISSIONS/BOARDS/COMMITTEES**

A. Attendance at Commission/Board/Committee Meetings

Council Members may attend any City of Franklin Commission/Board/Committee Meeting which is open to the public.

B. Assigned Commission/Board/Committee Duties

Council Members are assigned to Boards/Commissions/Committees to provide a line of communication between the specific Commission/Board/Committee and the Common Council. As such, Council Members are to fully participate in the activities and meetings of the Commission/Board/Committee.

Regular attendance at meetings and activities is expected.

Council Members, along with City staff, shall advise the Commissions/Boards/ Committees that they serve on regarding policies and procedures of the City, and proper conduct of meetings.

C. Be Respectful of Diverse and Opposing Opinions

A primary role of Commissions/Boards/Committees is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns, experience, and perspectives. Council Members must be fair and respectful to all citizens serving on Commissions/Boards/Committees without regard to their backgrounds, residence, and political views.

D. Closed Session Participation

Out of courtesy for the Commission/Board/Committee, Council Members not on such Commission/Board/Committee shall inform the Commission/Board/Committee Chair of their attendance in closed session in advance of attending such closed session whenever possible.

**SECTION 7: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH THE MEDIA**

A. Expression of Positions on Issue

When communicating with the media, all Council/Board/Commission/Committee Members must clearly state that their comments are the official position of themselves alone, and not from the Council/Commission/Board/Committee unless specifically authorized by that Council/Commission/Board/Committee. Each Council/Board/Commission/Committee Member represents one vote of the total and until a vote on any issue is taken, Council /Board/Commission/Committee Members' positions are merely their own. Council/Board /Commission/Committee Members recognize that the Mayor, or his/her designee, is the only authorized voice for the City.

B. Discussions Regarding City Staff

Council/Commission/Board/Committee Members shall not discuss personnel issues or other matters regarding individual City staff in public or with the media. Any issues pertaining to City staff shall only be addressed directly to the Mayor or the Director of Administration.

**SECTION 8: ENFORCEMENT OF THIS CODE OF CONDUCT**

A. Filing of Complaints (Excluding Ethics, which is addressed as Attachment A to this Code of Conduct and contains separate remedies)

Any person who believes a City Official has violated a requirement, prohibition or guideline set out herein may file a sworn complaint with the City Clerk identifying: (1) the complainant's name, address and contact information; (2) position of the City official who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of Municipal Code, Policy, Rule allegedly violated, and (4) a statement of fact constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

The person making the complaint shall provide the following with the complaint: (1) all documents or other materials in the complainant's possession that are relevant to the allegation, (2) a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, (3) a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and (4) a list of witnesses, what they may know, and information to contact those witnesses.

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Municipal Code, Policy, or Rule". If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when

the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. A notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the Mayor or the Mayor's Designee. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency. If the complaint is filed against the Mayor, the City Clerk shall submit the complaint filing to the Council President to work with the appropriate parties to process the complaint appropriately on behalf of the City.

B. Confidential Nature of Complaint

While complete confidentiality cannot be maintained, each complaint will be considered judiciously and as discreetly as possible, respecting both the complainant and the accused, throughout the investigation.

C. Time for Filing

A complaint under this Code must be filed no later than sixty (60) days from the date of discovery of the alleged violation. However, anyone having information on which a complaint is based is encouraged to file the complaint as soon as the information is obtained so that immediate action may be taken by the Council, the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

D. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing a complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided, the subject shall be referred to the Chief of Police for referral to the District Attorney's Office for prosecution under penalty of perjury or as the District Attorney may determine. A City Official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

E. Complaint Procedure

(1) Investigation

If the complaint is complete, it will be investigated by the City through its representative which may be the City's Risk Provider, Outside Counsel, or other appropriate party acting as the Investigative Officer, in a reasonable period of time.

(2) Failure to Comply

All City Officials, whether elected and appointed, are required to cooperate with any such investigations. Failure to cooperate in an investigation, or making false statements, could subject the Official to sanctions or removal from office/position.

(3) Recommendations

At the conclusion of the investigation, the Investigating Officer, following deliberation in open or closed session, shall submit a report to the Council, including findings of

fact, conclusions of law, and a recommendation as to what action, if any, the Council should consider with respect to the individual charged. The Investigating Officer shall provide the complainant and the individual charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Council.

#### (4) Council Action

The Council shall consider and take action on the recommendation of the Investigating Officer within sixty (60) days after the Investigating Officer provides its findings. Upon review of the report and following deliberation, if the Council, by motion, concludes that there is a violation of the Code, the Council may direct mediation or impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation made by the Investigating Officer. In resolving the complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.

#### (5) Penalties and Sanctions Policy

It is the intent of the Council to educate and, when necessary, discipline City Officials who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that progressive discipline does not provide the appropriate sanction due to the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

#### (6) Possible Penalties and Sanctions

- i. An informal censure by the Council, which would only be made as part of a motion in a public meeting.
- ii. A formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper.
- iii. Mandatory community service. [Wis. Stat. § 62.11(3)(e)]
- iv. Attendance at counseling or mediation sessions. [Wis. Stat. §62.11(3)(e)]
- v. Imposition of a dollar fine of up to \$500.00. [Wis. Stat. §§ 62.11(3)(a) &(c)]
- vi. Removal from Office. [Wis. Stat. § 62.11]
- vii. Discipline, up to and including termination (for Appointed Officials).
- viii. Any other sanction available by law.

The imposition of any of these penalties or sanctions will require an affirmative vote of  $\frac{3}{4}$  of all Members of the Council (with six (6) voting Council Members,  $\frac{3}{4}$  is calculated as  $6 \times .75 = 4.5$ , rounded up to 5 votes).

#### (7) Notice

The Mayor, or his/her designee, shall provide notice of the Council's decision to the person charged within ten (10) days of decision.

**Acknowledgement Statement / Signature Required**

By signing below, the Elected Official/Commission, Board, Committee Member/Appointed Official agrees to the principles and rules set forth in this document and will abide by them to the best of his/her abilities throughout his/her term of office/employment:

\_\_\_\_\_  
Official Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Official Printed Name

\_\_\_\_\_  
Office Held by Official



## ETHICS

The state ethics code applicable to local government officials is found in Wisconsin Statutes § 19.59. *(This is affirmed by the CHARTER ORDINANCE change that was passed on March 1, 2005 Ordinance 2005-1835 repealed the Code of Ethics of the Municipal Code and provided for the filing of financial disclosure statements by elected officials, candidates and other specified officials of the City)* Many of the terms used therein are defined in Wisconsin Statutes § 19.42.

The state ethics code establishes minimum standards of ethical conduct that prohibit local public officials from using their public office to benefit or enrich themselves, their immediate families, or organizations with which they are associated. Local officials must understand these standards to avoid violations of the law. Specifically, this code prohibits local public officials from engaging in the following conduct:

- Using their office to obtain financial gain, any type of employment including consulting or similar roles, or anything of substantial value for the private benefit of themselves, their immediate families, or organizations with which they are associated.
- Receiving “anything of value” if it could be reasonably expected to influence the local public official’s vote, official action or judgement, or could reasonably be considered as a reward for any official action or inaction.
- Taking official action substantially affecting a matter in which the official, an immediate family member, or an organization with which the official is associated has a substantial financial interest or using his or her office in a way that produces or assists in the production of a substantial benefit for the official, an immediate family member, or an organization with which the official is associated.
- Offering or providing influence in exchange for campaign contributions.

An official who is uncertain about a potential conflict with this section may want to seek advice from the City Attorney.

The state ethics code is enforced by the local district attorney (in Milwaukee County, this is Corporation Counsel) upon verified complaint of any person. If the district attorney fails to commence an action within twenty (20) days after receiving such complaint or refuses to commence an action, the person making the complaint may petition the attorney general to act on it.

The ethics code provides civil and criminal penalties for violations. A local official who intentionally violates any part of § 19.59, except § 19.59(1)(br), may be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both. In the alternative, a civil forfeiture of up to \$1,000 may be imposed against a local official for violating any part of the state ethics code. Intentional violation of § 19.59(1)(br), offering or providing influence in exchange for campaign contributions, is a Class I felony.

**RULES OF THE COMMON COUNCIL**  
**October 4, 2021**

These rules are established by the Common Council to promote consistency and orderly meetings of the Common Council. The rules will be reviewed periodically, as needed, and at the Organizational Meeting of each newly established Common Council.

These rules are established in conjunction with the ordinance authorized through the City of Franklin Municipal Code, Chapter 19 Council Proceedings. It is the intent of these rules to compliment, not replace, Municipal Code.

**1) MEETINGS**

- a. Regular and Special Meetings of the Common Council are held per the City of Franklin Municipal Code, §§ 19-1 A. – D., as attached hereto.
- b. In addition to the codified criteria for Special Meetings, per the City of Franklin Municipal Code, § 19-1 B., as attached hereto, a Special Meeting may be called with a minimum of 6 hours' notice for emergency business of the Common Council. The notice shall specify the time, place, and purpose of the meeting.

**2) NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS**

- a. Any Council Member who is unable to attend a Council Meeting shall notify the Mayor or City Clerk in advance if he/she is unable to attend such meeting, except in the case of an emergency. If an emergency causes a Council Member to miss a Common Council Meeting, that Council Member shall notify the Mayor or City Clerk as soon as practicable. Members shall be recorded as 'present' or 'not present' on the official minutes.
- b. It shall be noted in the official meeting minutes if a Member enters a meeting after the meeting convenes, or leaves before the meeting adjourns.

**3) SPECIAL RECOGNITION**

- a. The City of Franklin will consider requests for moments of silence or other appropriate recognition at the beginning of Common Council Meetings that relate to persons or events of community-wide, state-wide, or national significance involving Franklin residents. All requests shall be made to the Mayor or presiding officer prior to the meeting and the Member making the request shall be recognized by the Mayor or presiding officer at the appropriate point within the agenda.

**4) PRESIDING OFFICER TO MAINTAIN AND PRESERVE ORDER**

- a. It shall be the duty of the Mayor or presiding officer to maintain and preserve order during Common Council Meetings, including: keeping the discussion of Council Members on track and relevant to the agenda items and preserving decorum; and if any Member transgresses the rules of the Common Council, the

Mayor or presiding officer shall, on his or her own or at any Members' request, call such offending Member to order. The Common Council, if appealed to, shall decide the matter by majority vote, per the City of Franklin Municipal Code, § 19-3 A., as attached hereto.

- b. When a question is pending, a Member is allowed to speak against the nature of likely consequences of the proposed measure in strong terms, but the Member must avoid personalities and under no circumstances shall the Member attack or question the motives of another Member or the entire Common Council.
- c. Points of Order may be used to draw attention to a breach in rules, an irregularity in procedure, the irrelevance or continued repetition of a speaker, the breaching of established practices, or contradiction of previous decision. The chair shall immediately acknowledge the Point of Order and rule on it. A Point of Order is non-debatable, however, may be overruled by a two-thirds vote of the Body. Points of Order which are recognized shall be recorded in the official minutes.

#### 5) **RULES PERTAINING TO CONDUCT OF THE COUNCIL MEETING/MOTIONS/VOTING**

- a. **ORDER** - The most recent version of **Roberts Rules of Order** shall be used for conduct of City of Franklin meetings. **The City Attorney shall be the Parliamentarian.**
- b. **MOTIONS/VOTING** - Motions and voting shall occur per the City of Franklin Municipal Code, §§ 19-7 A. – G., as attached hereto.
- c. **MOTIONS** - When a motion is made and seconded, it shall be deemed to be in possession of the Common Council and shall be stated by the presiding officer.
- d. **WITHDRAWING MOTIONS** - Withdrawing motions shall occur per the City of Franklin Municipal Code, § 19-7 A., as attached hereto.
- e. **DIVISION OF QUESTION** - Any Member may call for a division of the question when the question is one that may be divided, per Robert's Rules of Order.
- f. **DEBATE**
  - i. In the debate, each Member has the right to speak and shall be offered the opportunity by the Mayor or presiding officer before a Member may speak a second, or subsequent, time.
  - ii. Members shall be succinct in their statements on an item and shall not dominate debate.
  - iii. Members shall at all times be aware the Council meetings are a place for debate of the item at hand and for decisions on that matter. Additional information requested by a Member should be addressed to the responsible Department Head prior to the Council meeting. Upon the request of a Common Council Member for any staff member to supply the Body such information as requested, the Member must first be recognized by the presiding officer for that person to speak. (This does not apply to deficiencies, the desire to have a project or task performed, having a special request for service, or any other directive for staff, as these matters are addressed in the Code of Conduct.)
  - iv. A Member who wishes to abstain must do so in accordance with the City

of Franklin Municipal Code, § 19-7 D., as attached hereto, and announce the same at the start of debate due to a conflict or other basis upon which to abstain, or the point in time during the debate in which the Member determines that he/she has a conflict with the matter, and consider leaving the room during the debate. Such abstention shall be included in the minutes. A Member who participates in debate, but does not voice that he/she is abstaining due to a conflict is discouraged from abstaining from voting.

- v. No officer, elected official or staff member may distribute, hold aloft, or place on the dais for public view information not previously available to the public, during or the day of a Common Council meeting.
- g. **CALLING THE QUESTION** - Any Member wishing to terminate the debate may move the previous question as detailed in the City of Franklin Municipal Code, § 19-7 C., as attached hereto, per Robert's Rules of Order.
- h. **MOTIONS TO TABLE SHALL INCLUDE DATE OR TIME FRAME FOR ACTION** - Motions to table shall include a specific date to be returned to the Council or shall require return to the Council upon a specific occurrence within a specified time frame. Except for matters which may be approved by operation of law if not acted upon by Council, if the occurrence shall not happen within the specified time frame, the City Clerk shall notify the Council at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. Upon notice of non-action by the City Clerk, any Council Member may request that the matter be placed upon the next Council agenda for report or official action.
- i. **VOTE CHANGE** - A Member shall only be permitted to change his/her vote up until the point all votes are in and the Mayor reports the results of the vote; no Member shall be permitted to change his/her vote on a matter once the Body moves on to another item of business.
- j. **MOTION TO RECESS** - Any Member or the chair may move to recess at any point during the meeting with a majority vote with a stated time for such recess to reconvene.
- k. **MOTION TO ADJOURN** - A motion to adjourn shall always be in order unless the Common Council is engaged in voting, and shall be decided pursuant to Robert's Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, § 19-7 F., as attached hereto.
- m. **USE OF UNANIMOUS CONSENT** - Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Common Council President or Temporary Chair when there shall be only one Member put forward for election.
- n. **BREAKING TIES** – The Presiding Officer can (but is not obligated) to vote whenever his/her vote will affect the result – that is, he/she can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote.

## 6) **ATTIRE, PROXY, AND ELECTRONIC COMMUNICATIONS AND DEVICES**

- a. **ATTIRE** - Common Council Meetings are to conduct official business of the City of Franklin, therefore, business casual attire or better is expected out of respect for our constituents and the Body. Except for the City's logo, business casual attire does not include apparel with advertising or logos of specific businesses, hats, shorts, flip flops, clogs, or similar. However, the Council may designate certain meetings to allow for clothing to support specific events.
- b. **PROXY** - No Member shall be allowed to vote by proxy.
- c. **ELECTRONIC DEVICES** - Respect for each other, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of the meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use of electronic devices is strongly discouraged and is to be reserved only for emergency situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings, and is acceptable.

## 7) **CONFIDENTIAL INFORMATION**

Common Council Members are frequently provided information that is confidential. The information could be relating to personnel matters, which is the responsibility of the Mayor; development matters; legal matters; or other information.

Holding confidential information private, when appropriate, is a foundation of trust that is very difficult to earn and easy to lose. Losing trust forever impairs a Council Member from doing his/her job in representing their constituents.

- a. No official may use or disclose confidential information, including knowledge imparted orally, recordings, and written documents or records, concerning the property, government or affairs of the City gained in the course of or by reason of such official position or activities unless the release is ordered by a court or the informed consent of the subject, as applicable; or authorized by the legal custodian or other proper legal authorization is given. This includes confidential information received in a Closed Session of the governmental Body.
- b. Inappropriate disclosure of such confidential information may subject the official to penalties, including a fine or public censure. Other potential consequences for violating this restriction is criminal prosecution under §946.12, Wisconsin State Statutes, misconduct in public office, or removal from office under Chapter 17 of the Wisconsin State Statutes for cause.

Any questions regarding confidential information, its' restrictions, and any release of confidential information should be privately addressed with the City Attorney.

## 8) **GENERAL RULES OF DECORUM**

No person shall personally attack a Council Member, city official, city employee or any other person. For purposes of this section, personal attacks shall include comments

directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance.

No person shall make irrelevant, unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting, including handclapping, stomping of feet, whistling, shouting or other demonstrations.

Any person violating this provision shall be called to order by the Mayor or presiding officer. If the conduct continues, the Mayor or presiding officer may order the person, other than a Body Member, removed and the Council may make a finding of fact whether such behavior was outside the scope and content of the Council rules and, if applicable, whether the behavior was of a character to cause a breach of the peace.

## **9) SOCIAL MEDIA**

Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff, and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments;
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching;
- Shall never demean or personally attack an employee regarding the employee's job performance in public; and
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.

## **10) RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL DURING A CITIZEN COMMENT PERIOD (NOT APPLICABLE FOR PUBLIC HEARINGS)**

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, § 19-2 B., as attached hereto, allowing any person to address the Common Council.
- b. No person shall personally attack a Council Member, City Official, City Employee or any other person. For purposes of this section, personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city

business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance.

- c. Questions posed by the speaker may be answered by the Mayor or presiding officer, or referred to city staff for a future reply in a timely manner. Council Members will refrain from commenting or attempting to answer questions during Citizen Comment Period unless authorized by the Mayor.
- d. Statements must not include endorsements of any candidates or other electioneering; but if a citizen speaking is a candidate for office, he/she must identify him/herself as such.
- e. Speakers shall refrain from presenting unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting.
- f. Statements made by the public during Citizen Comment Period orally or in writing become part of the meeting record via audio recording or paper statements but will not be included in the official minutes or postings of the meeting.
- g. Written statements provided to the Common Council regarding an agenda item or as a citizen comment must be received by the Clerk's office at least 24 hours prior to the start of the Common Council Meeting. Such comments will be provided to the Council and appropriate staff but will not be read out loud at the meeting.

#### **11) RULES PERTAINING TO THE TIMING OF SUBMISSIONS FOR INCLUSION ON THE COUNCIL AGENDA AND INFORMATION REQUESTED FOR MEETINGS**

- a. Agenda items for submittal must follow the City of Franklin Municipal Code, § 19-2 A., as attached hereto.

Council Members should keep in mind that additional time may be needed to work with staff to convert items into resolution or ordinance form or provide clarifications as necessary; and that items submitted at the last minute may need to be delayed until the following regular Council meeting.

Should a requested agenda item not be placed on an agenda as submitted it shall be automatically placed on the next scheduled agenda unless withdrawn by the submitter. The Council Action Sheet for that item shall contain a statement by the Mayor as to the reason for the delay.

- b. Council Members shall work with the Mayor or his designee to obtain any additional information needed prior to the Common Council meeting.

#### **12) RULES PERTAINING TO STAFF/APPLICANT PRESENTATIONS**

The Mayor or presiding officer may call appropriate staff or outside party to present additional information on any agenda item to the Common Council without notice or restriction on time.

### **13) CLOSED SESSION**

Closed Sessions are the legal opportunity for the Common Council to discuss matters that, if done in an open meeting, would potentially debilitate or negatively impact persons and/or matters otherwise protected by privileged and confidentiality provisions under the law, the closed session being held in the interest of such persons and/or matters and in the interest of the public. Wisconsin Statutes, § 19.85, provides the only reasons a common council may enter closed session.

The Common Council must recognize the confidential nature of discussions held in Closed Session and understand the importance of confidentiality of ALL conversations and information discussed and/or distributed in a Closed Session.

Disclosing any of this information inappropriately, or prematurely in some cases, not only will potentially harm the City, but it will forever break any trust between the person disclosing the information and everyone else who participated in the Closed Session. Regaining that trust may not be possible and may have ramifications for the discloser far past the subject of one particular Closed Session.

Violating Closed Session confidentiality exposes the Common Council Member to potential legal action as well as sanctions as outlined in Wisconsin State Statutes, City of Franklin Ordinances, and the Code of Conduct.

As a practice, only parties with direct information on a Closed Session matter in support of the City, will be included in any Closed Session. The Mayor will make the decision on attendance, other than the Members. The Common Council may, on motion and second of Members, vote to include a participant while still in open session.

All personal electronic devices are prohibited while in Closed Session.

Documents and information distributed while in Closed Session should be returned to the distributing party unless the distributing party releases the information or the receiving party is able to guarantee confidentiality of such documents and information. That information remains confidential until Council action, and in some cases indefinitely.

### **14) COUNCIL APPOINTMENT OF A COUNCIL MEMBER DUE TO THE VACATION OF A COUNCIL SEAT BETWEEN ELECTIONS**

*Per Wisconsin State Statutes, § 17.23, vacancies in offices of mayor or alderperson of cities operating under the general law or special charter may be filled by the common council, by majority vote, appointing a successor to serve for the residue of the unexpired term or until a special election is held, as ordered by the common council under § 8.50, or an office may remain vacant until an election is held. Also, per § 19.88, (1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.*



*In accordance with Wisconsin State Statutes, § 17.23 & § 19.88, the City of Franklin utilizes the following process to fill a Council vacancy: (1) Issues and publishes an Official Notice to Residents of the vacancy and accept letters of interest; (2) Invites all interested parties to a meeting of the Common Council to make a presentation to the Common Council; and (3) The Common Council appoints by majority vote. The appointment is complete once the result of a sufficient vote is ascertained and announced, and no resolution declaring that person to be appointed is necessary. Once appointed, the governing body may not rescind its vote or reconsider its actions and elect another person. This process is utilized when Council determines that it wishes to fill a vacated Council seat through an appointment process.*

**15) AMENDMENT AND SUSPENSION OF RULES**

- a. **REVIEW OF THESE RULES** - These Rules will be reviewed periodically, but not less than at the installation of each new Council.
- b. **AMENDMENT OF THESE RULES** - These Rules may be amended, and/or new rules adopted upon proper notice by a majority of all Members at any meeting of the Common Council.
- c. **SUSPENSION OF THE RULES** - A vote of two-thirds of the Members present will suspend any Rule of the Council.