

The YouTube channel “City of Franklin WI” will be live streaming the Common Council meeting so that the public will be able to view and listen to the meeting.

<https://www.youtube.com/c/CityofFranklinWIGov>

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

MONDAY, JUNE 14, 2021 AT 6:30 P.M.

- I. Call to Order and Roll Call.
- II. Continued Discussion Regarding the Establishment/Use of the City of Franklin Common Council Reference Manual:
 - A. Common Council Code of Conduct.
 - B. Common Council Rules of Order.
 - C. Handbook for Wisconsin Municipal Officials.
 - D. Plan to Update to Existing Policies/Need for Additional Policies, and Common Council Training/Professional Development Opportunities.
- III. 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]

CITY OF FRANKLIN CODE OF CONDUCT
ELECTED AND APPOINTED OFFICIALS

June 14, 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; Members of the~~ Common Council ~~Members;~~ ~~Mayor, Commission/Board/Committee Members;~~ and Appointed ~~Offices-Officials~~ shall maintain the utmost 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 ~~refrain from using~~ shall not use their City position or authority improperly or for personal gain.

This Code has been created 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.

~~The Council~~ All officials also recognizes ~~the reality~~ that an action may be legal but ~~as well may~~ also be ~~un-ethical/unprofessional~~, inappropriate, or ~~be~~ perceived as a form of harassment or abuse. This Code applies to this reality.

This Code 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 ~~are beneficial while others are destructive~~ foster positive debate while other types do not. The Council has the responsibility to take the high road on Intra-Council conduct and to treat other Council Members as they would like 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. ~~Despite this~~ Understanding the diversity ~~which exists~~, all who choose to serve in public office ~~and, therefore,~~ have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and ~~the Council~~ all officials must recognize that certain behavior will lead to success while other behavior is counterproductive, ~~while other behavior will lead to success.~~

A. Use of Formal Titles

~~The Council~~ All officials ~~shall try~~ will make every effort to refer to one another and City staff

formally during public meetings as Mayor, Council President, ~~and~~ 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 ~~Council Member~~ Official has the right to an individual opinion which should be respected by the other ~~Council Members~~ Officials.

~~Council Members~~ Officials shall not be hostile, degrading, or defamatory when debating a contentious issue. Each ~~Council Member~~ Official should work under the premise that all other ~~Council Members~~ Officials are acting with appropriate motives and keeping the interest of the public in mind, and should not criticize differing opinions because they believe them to be lacking in judgment or are improperly motivated.

However, this does not allow ~~Council Members~~ 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 Council Member~~ is personally offended by the remarks of another ~~official Council Member~~ Official, the offended ~~official Member~~ Official should voice the concern and afford the other official the opportunity to either explain the comment or apologize. If that is not successful, the offended official should make a note of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used.

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, ~~and~~ Commission/Board/Committee Chair to keep the comments of ~~Council~~ all mMembers on track during meetings. ~~Council~~ Members should 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 should be voiced respectfully and with reason, following commonly recognized parliamentary procedure. ~~Likewise, the same responsibilities vested in the Mayor for Council Meetings.~~

D. Use of ~~Electronics~~ Electronic Devices

Respect for each other, constituents, and those appearing before the Council ~~or~~ Commissions/Boards/Committees is paramount, and full attention to the matters before the body is the purpose of Meetings. demands that noThe 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 should 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. are used during presentations, citizen comment period, staff reports, public hearings and the like. Cell phone use, including: e-mail, text, etc., is prohibited at all times during meetings.

E. Social Media

Social media presence by those officials covered under this code should 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 or Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

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F. 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.

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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 should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

~~The taxpayers, through the Common Council, invest a substantial amount of funding on employing and training our employees to provide valuable, and in some cases lifesaving, work for the City. Our employees are truly our most valuable asset. Each employee has a specific role to play in serving our constituents and that role is defined with approval of the Common Council via specific job descriptions and duties. We rely on our supervisors and management to lead other staff members in carrying out the mission of the City. The City of Franklin, through its form of government and Municipal Code, has charged 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, on recommendation from professional staff and volunteer boards/commissions/committees, recommend from time to time various aspects of personnel management including policies and procedures, pay plans, benefit plans and other related items. On Council direction, the Mayor is charged with implementing these items ~~in a manner he/she sees fit~~ while working with the executive team.

~~This structure has been put in place to assure that the citizens and taxpayers of the City have a direct voice through an elected official regarding the operations of the City, while providing the staff a consistent chain of command and operational process. This form provides for a single manager to direct our staff.~~

Members of the Common Council must be diligent in maintaining this "chain of command" ~~such that the taxpayers and citizens receive the maximum value from the investment made in our employees.~~ Council Members ~~must refrain from~~ shall not ~~engaging-engage~~ in directing employees in their tasks and/or injecting themselves into tasks and projects. ~~Council Members must always keep in mind the efforts made to hire the best people available for their particular job and the expense to the City due to employee turn-over.~~

Council Members are encouraged to get to know and support ~~our~~ the City's 240+ employees, and, ~~most of all,~~ treat them with respect and professionalism.

Should an individual Council Members see a deficiency, need a project or task performed, have a special request for service, or any other directive for staff, ~~they~~ he/she should communicate that, ~~preferably~~ in writing, including the specific issue as well as a requested resolution, to the Mayor or Director of Administration. ~~Council Members shall NOT direct employees in their work.~~ 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.

~~Should Council Members have an issue with the performance of an employee, they must direct their concerns privately to the Mayor or Director of Administration for their attention.~~

~~Above all,~~ Council Members must constantly be aware of their impact on the morale and reputation of our employees in their statements and interactions. ~~Council Members must commit to treating all employees with the highest respect and professionalism in all settings.~~

A. Treat Staff as Professionals

Council Members and 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~~ 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~~ 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 ~~its~~ 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 Members and 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 ~~of the Common Council~~ from fully and freely discussing with or suggesting to the Department Heads anything pertaining to City affairs or the interests of the City.

D. Do not Solicit Political or Business Support from Staff

Council Members and 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 Members and Commission/Board/Committee Members should refrain from soliciting personal business from staff members.

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 should be evident on the part of individual Council/Commission/Board/Committee Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony or input. ~~Council-All~~ Members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. And, a~~All Council~~ Members should convey to the public their respect and appreciation for 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 ~~Council~~ a governing body is a new and difficult experience; under such circumstances, many are nervous. ~~Council~~ Members are expected to treat citizens with care and respect ~~during public hearings~~. (See section 2 D) ~~Council-All~~ Members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

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

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The Mayor/Chair will determine and announce time limits on speakers at the start of the Public Hearing process. 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 ~~the a~~ Public Hearing unless the Council Body requests additional clarification later in the process. After the close of the Public Hearing, no additional public testimony will be accepted unless the Council 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 (~~not~~ other ~~Council~~ Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic or similar. 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. However, other ~~And, Council~~ Members may ask the Mayor/Chair for a point of order if the speaker is off the topic or exhibiting behavior or language that the Council Member finds disturbing or out of line. Member questions, regarding public input, to seek, clarify, or expand information should be directed to the Mayor/Chair. Questions directed by Council Members to members of the public testifying shall seek to clarify or expand information, not to criticize or debate.

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 the ~~full~~ Council per Roberts 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 Members and 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.

Council All 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 Council Member's opinion is the same as the

result of the vote of the ~~Common Council~~Body on the matter. Likewise, no Council/~~Commission/Board/Committee~~ Member shall state in writing that ~~Council~~ Member's position in a way that implies it is the position of the entire ~~Common Council~~Body. A ~~Council~~ mMember has the right to state a personal opinion and has the right to indicate that he/she is stating such as a mMember of the ~~body~~Council 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 the Council/~~Commission/Board/Committee~~ to do so.

SECTION 5: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH PUBLIC AGENCIES

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Since ~~Council~~ Members act as a single body during ~~Common Council~~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~~All Members must remember that, at most times, they are perceived in public as an ~~Officer~~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 ~~Council~~ Member must clearly state whether his or her statement reflects a personal opinion or is the official position of the City.

~~All~~Council Members must inform the ~~Council~~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 ~~Council~~ Member must clearly communicate the organization upon whose behalf ~~they~~he/she is ~~are~~ 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. Council Members are allowed to request a Conflict of Interest Opinion from the City Attorney.

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

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SECTION 6: ELECTED OFFICIALS CONDUCT WITH BOARDS,

COMMISSIONS/~~BOARDS, AND~~/COMMITTEES

A. Attendance at ~~Board~~-Commission/~~Board~~/~~or~~-Committee Meetings

Council Members may attend any City of Franklin ~~Board~~-Commission/~~Board~~/~~or~~-Committee meeting, which ~~are~~ is open to ~~any member of~~ the public.

B. Assigned ~~Board~~-Commission/~~Board~~/~~or~~-Committee Duties

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

Regular attendance at meetings and activities is expected.

Council Members, along with City staff, shall advise the ~~Boards~~-Commissions/~~Boards~~/~~and~~-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 ~~Boards~~-Commissions/~~Boards~~/~~and~~-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 ~~Boards~~-Commissions/~~Boards~~/~~and~~-Committees without regard to their backgrounds, residence, and political views.

D. Closed Session Participation

~~Council Members attending a Board, Commission, or Committee meeting of which they are NOT a member must receive permission of the Board, Commission, or Committee to participate in a closed session for that body. Out of courtesy for the Commission/Board/Committee, Council Members not on such Commission/Board/Committee shall clear their attendance in closed sessions with the Chair in advance of attending a closed session of that Commission/Board/Committee.~~

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

A. Expression of Positions on Issue

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

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for the City.

B. Discussions Regarding City Staff

Council/Commission/Board/Committee Members should 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: ETHICS

The state ethics code applicable to local government officials is found in Wisconsin Statutes § 19.59. 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:

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- Using their office to obtain financial gain, employment, 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.

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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 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.

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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

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violation of § 19.59(1)(br), offering or providing influence in exchange for campaign contributions, is a Class I felony.

SECTION 89: ENFORCEMENT OF THIS CODE OF CONDUCT

A. Filing of Complaints

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, protecting 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 under penalty of perjury. 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 take into account 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 3/4 of the Council, ~~other than an informal or formal censure which shall only require a majority vote of the Council.~~

(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

**CITY OF FRANKLIN CODE OF CONDUCT
ELECTED AND APPOINTED OFFICIALS
June 14, 2021**

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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 has the responsibility to take the high road on Intra-Council conduct and to treat other Council Members as they would like 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 should 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 which should be respected by the other officials. Officials shall not be hostile, degrading, or defamatory when debating a contentious issue. Each official should work under the premise that all other officials are acting with appropriate motives and keeping the

interest of the public in mind, and should not criticize 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 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 comments of all members on track during meetings. Members should 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 should be voiced respectfully and with reason, following commonly recognized parliamentary procedure.

D. Use of 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 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 should 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.

E. Social Media

Social media presence by those officials covered under this code should 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.

F. 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 should 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, on recommendation from professional staff and volunteer boards/commissions/committees, recommend from time to time various aspects of personnel management including policies and procedures, 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 should communicate that, in writing, including the specific issue as well as a requested resolution, to the Mayor or Director of Administration. 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.

Council Members 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 Members and 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. 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

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 Members and 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.

D. Do not Solicit Political or Business Support from Staff

Council Members and 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 Members and Commission/Board/Committee Members should refrain from soliciting personal business from staff members.

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 should be evident on the part of individual Council/Commission/Board/Committee Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony or input. All Members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. And, all members should convey to the public their respect and appreciation for 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. Members are expected to treat citizens with care and respect. (See section 2 D) All Members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, 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 process. 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 Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic or similar. 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, Members may ask the Mayor/Chair for a point of order if the speaker is off the topic or exhibiting behavior or language that the Member finds disturbing or out of line. Member questions, regarding public input, to seek, clarify, or expand information should 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 the Council per Roberts 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 Members and 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 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 the Council/Commission/Board/Committee to do so.

SECTION 5: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH PUBLIC AGENCIES

Since 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.

All 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 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 Members are allowed to request a Conflict of Interest Opinion from the City Attorney.

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 should 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 clear their attendance in closed sessions with the Chair in advance of attending a closed session of that Commission/Board/Committee.

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 members should clearly state that their comments are the official position of themselves alone, and not from the Council/Commission/Board/Committee unless specifically authorized by the Council/Commission/Board/Committee. Each Council Member represents one vote of the total and until a vote on any issue is taken, Members' positions are merely their own. 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 should 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: ETHICS

The state ethics code applicable to local government officials is found in Wisconsin Statutes § 19.59. 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 there 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, employment, 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 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.

SECTION 9: ENFORCEMENT OF THIS CODE OF CONDUCT

A. Filing of Complaints

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, protecting 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 under penalty of perjury. 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 take into account 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. 62.1 1(3)(e)]
- iv. Attendance at counseling or mediation sessions. [Wis. Stat. 62.1 1(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 3/4 of the Council.

(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

**A RESOLUTION ADOPTING RULES OF THE COMMON COUNCIL AND MAYOR
April 19, 2021**

WHEREAS, it is desirous that ground rules be laid prior to the New Council session beginning, and

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

WHEREAS, it is recognized that the purpose of the business 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;

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin Common Council and Mayor to adopt the following Common Council Rules, in conjunction with the ordinance currently authorized through the City of Franklin Municipal Code, Chapter 19, Council Proceedings.

1) MEETINGS

Regular and Special Meetings of the Common Council are held per the City of Franklin Municipal Code, Section 19-1, Sub-Sections A – D, as attached hereto

In addition to the codified criteria for Special Meetings, per the City of Franklin Municipal Code, Section 19-1, Sub-Section 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 after the emergency has been resolved. Members shall be recorded as present, absent 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

The City of Franklin will consider requests for moments of silence 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 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, Section 19-3, Sub-Section 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, Section 19-7, Sub-Sections 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, Section 19-7, Sub-Section 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 without confirming motion.
- 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 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 ₂

debate of the item at hand and for decisions on that matter. Additional information requested by a Member should be addressed to the responsible staff Member 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.

- iv. A Member who wishes to abstain must do so in accordance with the City of Franklin Municipal Code, Section 19-7, Sub-Section D, as attached hereto, and announce the same at the start of debate, including reason(s) for abstaining to be included in the minutes and should consider leaving the room during the debate. A Member who participates in debate is not allowed to abstain from voting.
- v. No officer, elected official or staff member may distribute, hold aloft, or place on the dais for public view additional information 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, Section 19-7, Sub-Section C, as attached hereto. (A motion to call the question does not require a second.)
- 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 without debate, pursuant to Roberts Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, Section 19-7, Sub-Section 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.

6) ATTIRE, PROXY, AND ELECTRONIC COMMUNICATIONS AND DEVICES

- a. **ATTIRE** - Common Council and committee meetings' purpose is 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, hats, shorts, flip flops, clogs, or similar.
- b. **PROXY** - No Member shall be allowed to vote by proxy.
- c. **ELECTRONIC DEVICES** - Full attention to the matters before the body is the purpose of the Council Meeting. Use of electronic devices to communicate or conduct other personal or professional business during a meeting shall not be allowed while the Common Council is in session.

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 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) RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL DURING A CITIZEN COMMENT PERIOD

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, Section 19-2, Section B, as attached hereto, allowing any person to address the Common Council.
- b. Statements are limited to issues that have an impact on the City of Franklin and issues that the Common Council may address at a current or future meeting.
- 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.
- d. Statements must not include endorsements of any candidates or other electioneering.
- 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 must be received by the Clerks office no later than 6:00 PM on the day prior to the day of the Common Council meeting. Comments will be provided to the aldermen and appropriate staff but will not be read out loud at the meeting.

10) 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, Section 19-2, Sub-Section 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.

11) 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.

12) CLOSED SESSION

Closed Sessions are the legal opportunity for the Common Council to discuss matters that, if done in an open meeting, would potentially harm an individual, company, or group's reputation, or financial position, or diminish the City's negotiating position. Wisconsin Statutes, Section 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. 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.

13) 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.

Rules of the Common Council and Mayor
Suggested Changes to Original Document Introduced on 4/19/2021
5/3/2021

	<u>Suggestion</u>	<u>Multiple Requests?</u>	<u>Proposed Resolution</u>
	PAGE 1		
1	Title - Include the Mayor as part of the Council and not call the position out independently.		Make suggested change as long as it is not a specific duty of the Mayor (Statutes define the Common Council as the Mayor and Alderperson.)
2	1st WHEREAS - Change the first WHEREAS to 'WHEREAS, it is desirable to establish ground rules to promote consistency and orderly meetings of the Common Council;'		ADD this WHEREAS, but maintain the existing one so that each newly seated Council has a chance to determine their own Rules.
3	3rd WHEREAS - REMOVE the word 'business' on line 1		Make suggested change
4	NOW THEREFORE... - Adjust the verbiage, 'City of Franklin Common Council and the Mayor' to remove the word 'Mayor'.		No recommended change as all resolutions use this verbiage
5	Under MEETINGS - Request to change the verbiage on Special Meetings with the 24 Hour Notice.		No recommended change as this verbiage is for meetings needed with a 6 hour notice. (A Special Meeting for 24 hours is already listed in Municipal Code.)
6	Under NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS 2(a) (Line 5) Delete 'after the emergency has been resolved.' or delete 'has been resolved.'		Delete requested verbiage.
7	Under NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS 2(a) (Line 6) - Add the word 'or' after 'present' and before 'absent'.		Make suggested change.
8	Under NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS 2(a) (Line 6) - Add 'excused' as another option in addition to present or absent.		Suggested change - use the word 'excused' for absences which are reported and 'absent' for those absences that are simply no-show/no-notification. (Note: This was left out originally because Council Members do not report to the Mayor or other Council Members so neither can grant approval of an excuse; however the clarifications above show accountability and respect.)

PAGE 2		
9	Under PRESIDING OFFICER TO MAINTAIN AND PRESERVE ORDER © - Clarify meaning of 'or contradiction of previous decision'.	No recommended change as this is not meant in the context of a Reconsideration.
10	ADD Point of Order shall not be used as a method to end debate or interrupt the speaker based on a disagreement of opinion.	No staff recommendation. (There is a different method to end debate, by 'Calling the Question' so Point of Order would not make sense in this instance.)
11	Clarify that an "Out of Order Ruling" should be explained as to why it was 'Out of Order'.	No staff recommendation
12	Conduct training and refresher training in the near future and periodically on Roberts Rules of Order	Suggest that this occurs each year at the Organizational Meeting of each new Council and at a Committee of the Whole Meeting in the year in which no Council members are seated.
13	Under 5(f)(ii) - More participation from other Council Members would add balance	No staff recommendation
PAGE 3		
14	Under RULES PERTAINING TO CONDUCT OF THE COUNCIL MEETING/MOTIONS/VOTING 5(f)(iii) - If the responsible staff member is not the Department Head, with the new 'unofficial' policy this would not be able to occur	The responsible staff member is designated as the Department Head. Contact the Department Head who will obtain the answer.
15	Under RULES PERTAINING TO CONDUCT OF THE COUNCIL MEETING/MOTIONS/VOTING 5(f)(iv) (Line 5-6) - Does not believe that a member who participates in the debate should be required to vote. One of the reasons for this is that the debate may uncover the reason why a member might feel a need to abstain from the vote.	This is up to the Council as it is not required. The reason it was included originally is to protect Council Members from potential conflicts and support the body. This is discussed in various sections of the Handbook for Wisconsin Municipal Officials, See Pages 66, 68, 145, 150.

PAGE 4				No suggestions for change.
16 Under ATTIRE, PROXY, AND ELECTRONIC DEVICES 6(a) - Suggestion that language is appropriate so as not to come across as using City position for personal gain.				Same as suggested in Code of Conduct.
17 Under ATTIRE, PROXY, AND ELECTRONIC DEVICES 6(c) - Suggest 'Respect for each other, constituents, and those appearing before the Council is paramount and full attention to the matters before the body is the purpose of the Council Meeting. The use of electronic devices to communicate regarding City business during meetings is prohibited; and, all other uses of electronic devices are strongly discouraged and should be reserved only for emergency situations.'				No staff recommendation.
18 Under ATTIRE, PROXY, AND ELECTRONIC DEVICES 6(a) - Suggest that Council may designate certain Meetings to allow for clothing to match supporting specific events.				Not recommended as Elected Officials are sometimes provided confidential information outside of closed sessions.
19 Under CONFIDENTIAL INFORMATION - Suggestion to combine Section 7 and Section 12.				Add a Section on the appropriate use of Social Media as City Officials OR Create a Social Media Policy and address all areas of concern in that policy
20 Under GENERAL RULES OF DECORUM include a statement regarding the same rules hold true if on Social Media OR add a section in this document regarding Social Media.				No staff recommendation. (It is difficult to use the suggested addition objectively.)
21 (Technically on Page 5) - Last paragraph under RULES OF DECORUM (Line 2) - ADD 'Or the person is offended by such remark' after 'If the conduct continues'				

<p>PAGE 5</p>	<p>22 Display the RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL DURING CITIZEN COMMENT PERIOD prominently in Council Chambers.</p>	<p>Display these rules in Council Chambers and make the verbiage available in written form to those wanting to speak at meetings. (Since there are so many speakers that speak at multiple meetings, they will have the rules in advance every time except the first time they speak...will be more efficient than reading the rules at each meeting to notify speakers.)</p>
<p>23 Add the 1st Paragraph of the GENERAL RULES OF DECORUM to the posted RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL.</p>	<p>Make suggested change.</p>	<p>Change not recommended as statements should be at least related to the City of Franklin or something that the Council will address at some point</p>
<p>24 Under RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL DURING CITIZEN COMMENT PERIOD (b) - Citizens have always been able to speak freely on topics of their own choosing Do not discontinue allowing free speech.</p>	<p>Make suggested change.</p>	<p>Make suggested change.</p>
<p>25 Add that citizens speaking need to identify themselves as candidates for office if that applies to them.</p>	<p>Make suggested change.</p>	<p>Make suggested change.</p>
<p>26 UPDATE written citizen comments need to be received 24 hours in advance of the meeting.</p>	<p>Make suggested change.</p>	<p>Make suggested change.</p>
<p>27 UPDATE Allow Council Members to comment or attempt to answer questions during Citizen Comment Period if authorized by the Presiding Officer.</p>	<p>Make suggested change.</p>	<p>Make suggested change.</p>

		PAGE 6
<p>28 Under RULES PERTAINING TO THE TIMING OF SUBMISSIONS FOR INCLUSION ON THE COUNCIL AGENDA AND INFORMATION REQUESTED FOR MEETINGS there is a need for a method that avoids political voting placement of agenda items. With the exception of closed session items, aldermanic requested items should be placed on the agenda in the order received by the Clerk</p>		<p>Agendas are set by staff and the Mayor based on a logical flow for the meetings. For example, presentations are set early in the meeting, visitors are set early in the meeting, items which depend on other items appear in appropriate order</p>
<p>29 Under RULES PERTAINING TO THE TIMING OF SUBMISSIONS FOR INCLUSION ON THE COUNCIL AGENDA AND INFORMATION REQUESTED FOR MEETINGS Council Members should be allowed to work with the Department Heads, including the Clerk and the City Attorney.</p>		<p>Council as a body possesses legislative authority to make and approve motions. Staff carries those actions out under the supervision and direction of the Mayor who is responsible for the executive and administrative functions.</p>
<p>30 Under RULES PERTAINING TO STAFF/APPLICANT PRESENTATIONS there is a concern on equality to all if one developer gets more assistance.</p>		<p>The rule is intended to allow parties on the agenda to participate appropriately in the meetings. There is a method, Point of Order, to raise specific concerns.</p>
		PAGE 7
<p>31 Under CLOSED SESSION there is a concern that a Council Member will not be included by the Mayor to participate in closed sessions.</p>		<p>Clarification suggested to make it clear that the Presiding Officer determines who, other than the Council, is allowed to participate in closed sessions.</p>