

CITY OF FRANKLIN

ENVIRONMENTAL COMMISSION MEETING Wednesday, November 3, 2021 – 7:00 P.M. FRANKLIN CITY HALL COUNCIL CHAMBERS 9229 West Loomis Road, Franklin, Wisconsin

AGENDA

- I. CALL TO ORDER AND ROLL CALL**
- II. CITIZEN COMMENT**
- III. APPROVAL OF MINUTES**
 - A. Minutes of the regular meeting of September 22, 2021
- IV. UNFINISHED BUSINESS**
 - A. Environmental Commission involvement in the City of Franklin's National Night Out program Monday, August 2, 2021. Status of funding for garden giveaway.
 - B. Review of articles for the City of Franklin Newsletter.
 - C. Update on Buckthorn Subcommittee activity and/or proposals.
 - D. City of Franklin street tree list update-recommendation to Common Council.
 - E. Environmental Commission participation in City of Franklin Unified Development Ordinance (UDO) Task Force, to provide assistance in revisions to the Natural Resource Protection Standards and other elements of the City of Franklin UDO.
 - F. City water supply testing overview-continuation.
 - G. Landfill life expectancy and future plans.
 - H. Report on Environmental Commission possible involvement in future Franklin Library's Trunk or Treat events.
- V. NEW BUSINESS**
 - A. Review of Environmental Commission Bylaws.
 - B. Review of new Code of Conduct for all elected and appointed officials.
- VI. SCHEDULE NEXT MEETING**
 - A. December 8, 2021

VII. DISCUSSION OF FUTURE AGENDA ITEMS

- A. Wisconsin Department of Natural Resources programs or other organizations for presentation at the City of Franklin Library-dates/schedule [this item/event is in process due to COVID-19 related restrictions] [tentative date: April, 2022].
- B. Funding for Environmental Commission activities.

VIII. ADJOURNMENT

Notice is given that a majority of the Common Council may attend this meeting to gather information about an Agenda item over which they have decision making responsibility. This may constitute a meeting of the Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

CITY OF FRANKLIN
ENVIRONMENTAL COMMISSION MEETING MINUTES
September 22, 2021

unapproved

CALL TO ORDER & ROLL CALL

- I. Chairman Linda Horn called the September 22, 2021 regular meeting of the Environmental Commission to order at 7:00 p.m. in the Common Council Chambers, Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

On roll call, the following were in attendance: Chair Linda Horn, Vice Chair Jamie Groark, Commissioners Patricia Pomahac and Sudarshan Sharma and Alderman Dan Mayer. Excused was Commissioner James Cieslak . Also present were Associate Planner Marion Ecks and City of Franklin Forester Tom Riha

CITIZEN COMMENT

- II. The citizen comment period opened at 7:01 p.m. and closed at 7:01 p.m.. No citizens present.

APPROVAL OF MINUTES

Minutes of the regular meeting of August 25, 2021.

III.

- A. Commissioner Sharma moved and Vice Chair Groark seconded a motion to approve the minutes of the regular meeting held August 25, 2021. On voice vote, all voted 'aye'. Motion carried (5-0-1).

UNFINISHED BUSINESS

Environmental Commission involvement in the City of Franklin's National Night Out program Monday, August 2, 2021. Status of funding for garden giveaway.

IV.

- A. Commissioner Cieslak was excused. Status of funding to be addressed at future meeting. Discussion only. No action taken.

Review of articles for the City of Franklin Newsletter, from the Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program [this item/event is in process due to COVID-19 related restrictions], including educational materials for Buckthorn (invasive species), that is, website information and QR (Quick Response) code (a two-dimensional barcode used to share website links).

- B. Commissioner Pomahac to contact Franklin High School for possible articles from students taking Environmental Science classes.

Commissioner Cieslak to be contacted regarding articles from the Southeast Wisconsin Invasive Species Consortium. Discussion only. No action taken.

Update on Buckthorn Subcommittee activity and/or proposals.

- C. Vice Chair Groark commented on waiting for future references from Southeast Wisconsin Invasive Species Consortium as well as Milwaukee County. Discussion only. No action taken.

City of Franklin street tree list update-best list reviews.

- D. Tom Riha, City Forester, referenced current updates for tree replacements, i.e., City of Franklin Municipal Ordinance, Sec. 240-4, Master Street Tree Plan.

Vice Chair Groark moved and Commissioner Sharma seconded a motion to recommend a new tree list to replace city of Franklin existing trees. A review of this list will be done on an annual basis. On voice vote, all voted 'aye'. Motion carried (5-0-1).

Environmental Commission participation in City of Franklin Unified Development Ordinance (UDO) Task Force, to provide assistance in revisions to the Natural Resource Protection Standards and other elements of the City of Franklin UDO.

- E. Vice Chair Groark reported meeting scheduled for August 26 was cancelled. A suggestion was made to include information in City of Franklin newsletter for November 2021. Discussion only. No action taken.

NEW BUSINESS

City water supply testing overview.

- V.
 - A. Associate Planner Ecks will discuss at next meeting. Discussion only. No action taken.

Landfill life expectancy and future plans.

- B. Associate Planner Ecks reported there is not a draft or plan to date. Item to be addressed at next meeting. Discussion only. No action taken.

Environmental Commission involvement in the Franklin Library's Trunk or Treat 2021 event to be held in the library's parking lot on October 21, 2021 from 5:00 pm to 8:00 pm.

- C. Vice Chair Groark and Commissioner Pomahac will attend the October 21, 2021 event and report back at the next meeting as to involvement of the Environmental Commission in 2022. Discussion Only. No action taken.

SCHEDULE NEXT MEETING

- VI.
 - A. Vice Chair Groark moved and Commissioner Sharma seconded a motion to move the October 27, 2021 Environmental Commission meeting to November 3, 2021. On voice vote, all voted 'aye'. Motion carried (5-0-1).

DISCUSSION OF FUTURE AGENDA ITEMS

Wisconsin Department of Natural Resources programs or other organizations for presentation at the City of Franklin Library-dates/schedule [this item/event is in process due to COVID-19 related restrictions] [tentative date: April, 2022].

- VII.
 - A. No updates.

Funding for Environmental Commission activities.

Review of tree canopy evaluation for new developments in the City of Franklin.

ADJOURNMENT

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

B. Associate Planner Ecks will follow up at the November 3, 2021 meeting.

C. Associate Planner Ecks and City Forester Tom Riha provided background regarding current conditions. To be discussed under new business in February 2022.

VIII

Vice Chair Groark moved and Commissioner Sharma seconded to adjourn the Environmental Commission meeting on September 22, 2021 at 7:57 p.m.. On voice vote, all voted 'aye'. Motion carried (5-0-1).

DRAFT

Marion Ecks

From: ppomahac@sbcglobal.net
Sent: Wednesday, October 27, 2021 1:24 PM
To: Marion Ecks
Subject: Fw: Articles for Franklin Newsletter

Hello Marion,
Here is prior correspondence with Patrick Gain, Environmental Science teacher at Franklin H.S.
Please let me know you received these emails.
Pat Pomahac

----- Forwarded Message -----

From: Gain, Patrick <patrick.gain@franklin.k12.wi.us>
To: ppomahac@sbcglobal.net <ppomahac@sbcglobal.net>
Sent: Sunday, October 3, 2021, 06:51:30 AM CDT
Subject: Re: Articles for Franklin Newsletter

Great, thanks, Pat! I will get the feelers out to see what students might be interested in this opportunity!

Pat Gain



Science Teacher *ECO Club* *March Madness*
Dept Coordinator *Advisor* *Coordinator*
Franklin High School
8222 S. 51st St.
Franklin, WI 53132
tinyurl.com/patgain

On Sat, Oct 2, 2021 at 9:34 AM ppomahac@sbcglobal.net <ppomahac@sbcglobal.net> wrote:

Good morning Pat.

The deadline for submission for the November newsletter is Friday, October 22nd, 2021.

When I get the 2022 schedule I will forward the dates for submission/publication to you.

The newsletter contact person is Lisa Huening, Dept. of Administration, at City Hall,

luening@franklinwi.gov, 414-858-1100.

If you will be submitting an article for November, I will contact Lisa prior and inform her that it is being coordinated thru/by the Environmental Commission.

Pat Pomahac

City of Franklin, Environmental Commission

On Saturday, October 2, 2021, 06:19:40 AM CDT, Gain, Patrick <patrick.gain@franklin.k12.wi.us> wrote:

Hi Pat,

Hope all is well. Ironically enough, as you sent this, we were transporting kids to the Conservancy for Healing & Heritage for our kickoff event! Being able to submit articles sounds like a great opportunity for the kids, and for our program to get some attention in the community! Could you

possibly find out when preferred dates for submission of articles might be? So, if students wanted to have something included in the November 29th newsletter for example, when would they need to have the article submitted by? That'd help my timeline tremendously. Thanks so much for thinking of us!

Pat Gain



Science Teacher *ECO Club* *March Madness*
Dept Coordinator *Advisor* *Coordinator*
Franklin High School
8222 S. 51st St.
Franklin, WI 53132
tinyurl.com/patgain

On Fri, Oct 1, 2021 at 2:41 PM ppomahac@sbcglobal.net <ppomahac@sbcglobal.net> wrote:

Hi Pat,

At our meeting last week the Environmental Commission asked me to contact you regarding having your students submit articles for the City of Franklin newsletter. The newsletter is published five times per year, i.e., week of Feb. 15th, May 17th, July 19th, September 20th, November 29th, all 2021 dates.

Topics that would interest the Franklin community, for example, would be work done by the students

at the Healing Garden at the Reimann Center, participation in different group activities, perhaps, Milwaukee Riverkeeper's "Adopt a River", etc. If there is volunteer work with Wehr Nature Center, Audubon Society, etc., that would also be of interest. We also encourage any student/students to submit articles related to stewardship, i.e., elimination of invasive species, climate change incentives,

etc. Prior to submitting directly to the City of Franklin, of course, any review and/or suggestion by the

Environmental Commission will be gladly provided.

Fingers crossed tonight for a Franklin win vs Oak Creek.

Pat Pomahac

City of Franklin, Environmental Commission



City of Franklin, Wisconsin

Environmental Commission

Administrative Rules and Procedures

March, 2009

Environmental Commission

Administrative Rules and Procedures

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Exhibit

- A §10-14. of the Municipal Code of the City of Franklin, and individual Ordinances amendatory thereof

Environmental Commission

Administrative Rules and Procedures

Article I. Name of Commission

The name of this Commission shall be the "Environmental Commission" of the City of Franklin, Wisconsin, hereinafter referred to as "the Commission".

Article II. Authorization

The authorization for the establishment of the Commission is set forth in Section 10-14 of the Municipal Code of Franklin, Wisconsin, as amended, hereinafter referred to as "Section 10-14", which is incorporated herein by this reference and is presented in Exhibit A.

Article III. Membership

- Section 1. The composition of the Commission shall be as established in Section 10-14 A and as may otherwise be specified by the Common Council.
- Section 2. The terms of the members shall be as established in Section 10-14 A and as may otherwise be specified by the Common Council.
- Section 3. Each member shall have one (1) vote. The Chairman may vote to affect the result. Voting by proxy is not permitted. On a tie vote, the motion is lost.
- Section 4. All members shall serve without compensation.
- Section 5. A quorum shall be four (4) members, or a majority of all the members of the commission.
- Section 6. Actions, communications, etc. of Commission members are subject to Open Meeting Law, Wisconsin Statutes 19.59 including the Municipal Code and policies of the City of Franklin.

Article IV. Duties

The duties of the Commission shall be as established in City of Franklin Ordinance §10-14. and as may otherwise be specified by the Common Council.

Article V. Officers

- Section 1. The officers of the Commission shall be the Chair, Vice-Chair and Secretary.
- Section 2. The Chair and Vice-Chair shall be elected by and from the Commission resident members. The Chair shall appoint the Secretary.

- Section 3. The term of Chair and Vice-Chair shall be from one election year to the next election. Elections to fill these offices shall normally be held at the first Commission meeting on or after April 30 of each subsequent year. Elections to fill officer vacancies will be held at the first Commission meeting after the vacancy occurs.
- Section 4. The Chair shall preside at all meetings and hearings of the Commission, and shall have the duties normally conferred by parliamentary usage to such office. The Chair, with the assistance of the City staff, as appropriate, shall:
- a) Call meetings of the Commission as needed to fulfill the duties of the Commission, and determine the time and place of such meetings.
 - b) Prepare agendas for meetings.
 - c) Prepare reports of Commission actions.
 - d) Provide notice to all Commission members.
 - e) Attend to correspondence of the Commission as approved by the Commission.
 - f) Determine that the Secretary keeps the official Minutes and records of the Commission.
 - g) Determine that all Commission members have these Administrative Rules and Procedures, and such other records as may be necessary for the satisfactory conduct of the duties of Commission member.
 - h) Have other duties as may from time to time be assigned by the Commission.
- Section 5. When the Chair is unable to preside or fulfill the duties of the Chair, the Vice-Chair shall preside and assume the duties of the Chair until the Chair is able to preside.
- Section 6. When the Chair and the Vice-Chair are unable to preside or fulfill the duties of the Chair and a quorum of the Commission is present for a properly noticed and scheduled Commission meeting or hearing, the Secretary may call the Commission to order and shall temporarily preside solely over the selection of a Chair Pro Tempore by and from the Commission members present. Upon selection, the Chair Pro Tempore shall preside and assume the duties of the Chair until the Chair or the Vice-Chair is able to preside.

Article VI. Committees, Subcommittees

- Section 1. The Commission may establish committees and subcommittees as deemed appropriate or necessary to fulfill the duties of the Commission.
- Section 2. The Chair shall appoint committee and subcommittee members and officers.

Article VII. Meetings

- Section 1. A commissioner is excused from a scheduled meeting by notifying the chair. Failure to attend is considered absent.
- Section 2. The Commission, its committees and subcommittees shall meet as needed to fulfill the duties of the Commission.
- Section 3. The Commission may adopt a regular, periodic meeting schedule as needed to fulfill the duties of the Commission, and determine the time and place of such meetings.

- Section 3. All meetings of the Commission shall be open to the general public, and subject to the provisions of the Wisconsin Statutes (Open Meetings Act).
- Section 4. Except as otherwise provided herein or specified by the Common Council, the parliamentary procedure of the Commission shall be as provided in Robert's Rules of Order, Newly Revised.
- Section 5. A record of all Commission actions shall be kept as part of its Minutes.
- Section 6. Any member of the Commission may place on the Commission agenda for consideration, discussion, action, etc. any matter that is properly within or related to the duties, rules, procedures, activities, etc. of the Commission, by notice to the Chair and the Secretary.
- Section 7. All materials and information related to matters to be considered by the Commission shall be delivered to the Secretary not later than seven (7) working days preceding the meeting at which the matter is to be considered. A matter may be brought forward at a subsequent meeting following adoption by a member having voted in the affirmative. Matters submitted for consideration by the Commission may be rescheduled to a subsequent Commission meeting when the Secretary has determined that any required materials and information have not been received by the specified time.
- Section 8. Agendas and other materials for each meeting shall, whenever possible, be delivered to the members of the Commission not later than three (3) working days preceding the meeting.
- Section 9. Actions of the Commission requiring approval of a two third (2/3) vote of all of the members are:
- a) To revise or amend these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body).
- Section 10. The Commission may terminate any meeting at 10:00 p.m. or at any time thereafter with agenda items not yet considered. Any agenda item(s) under consideration or not yet considered at the time of meeting termination under this section shall be continued to the next meeting.

Article VIII. Order of Business

Section 1. Each Commission agenda shall provide for the following order of business:

- I. Call To Order and Roll call.
- II. Citizen Comment Period.
- III. Approval of Minutes of previous meeting(s).
- IV. Old Business.
- V. New business.
- VI. Other business (e.g., items for future agendas, Comm. rules and procedures, etc.).
- VII. Schedule next meeting.
- VIII. Adjournment.

Section 2. In general, the order of business shall follow the printed agenda. The order of business may vary from the printed agenda by consensus of the Commission members present.

Article IX. Non-member Participation

Section 1. Letters, documents and other records relevant to matters before the Commission or within Commission duties are welcome at any time by submission to the Secretary, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Commission will be considered when the specific matter is considered. Submissions related to other matters within the Commission duties will be considered in the Other Business section of the agenda or as otherwise deemed applicable by the Commission.

Section 2. Except for properly noticed and scheduled public hearings, non-member testimony during Commission meetings shall be limited to a) applicants with matters before the Commission, b) persons with knowledge or expertise relevant to matters before the Commission or within Commission duties and c) the mayor and aldermen of the City of Franklin. Such non-member testimony shall be permitted during the Citizen Comment Period or at the discretion of and upon recognition by the Chair or on consensus of the Commission members present, and upon statement of name, address and basis for testimony.

Section 3. At a properly noticed and scheduled public hearing of the Commission, any person may speak on the specified subject of the hearing upon recognition by the Chair and statement of name and primary residence address.

Article X. Revisions, Amendments

Section 1. Rules and procedures noted herein which are established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin shall be as adopted and amended by the applicable authoritative body.

Section 2. Other rules and procedures noted herein may be revised or amended by majority vote of the Commission resident members.

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

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 to 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.

