

It is expected that a Quorum of the Personnel Committee, Board of Public Works, Plan Commission and Administration Committee will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
Ad-hoc Committee
Accountability of Elected Officials
100 Main Street, Menasha
Room 133
Monday August 5, 2019
9:00 AM
AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL
- C. MINUTES TO APPROVE
 - 1. 7/15/2019
- D. COMMUNICATIONS
 - 1. Code of Conduct Policy (Green Bay) (note sections 2(c), 3, 8)
 - 2. Anti-Harassment and Retaliation policy (City of Menasha 6/19/2017)
 - 3. Healthy Workplace Policy (City of Menasha 10/7/2013)
 - 4. Menasha Code of Ordinances 2-2-8 Internal Powers of the Council
 - 5. Rules of the Common Council and Mayor (4/16/2019)
- E. DISCUSSION/ACTION ITEMS
 - 1. Accountability of Common Council and Committee members
- F. ADJOURNMENT

CITY OF MENASHA
Ad-hoc Committee Accountability of Elected Officials
100 Main Street, Room 207, Menasha
July 15, 2019
Minutes

A. CALL TO ORDER

Meeting called to order by Mark Langdon at 8:34 a.m.

B. ROLL CALL/EXCUSED ABSENCES

Present: Ald. Ted Grade, Ald. Mark Langdon, Ald. Steve Krueger, Mayor Don Merkes

1. Selection of Chairperson

Motion by Mayor Don Merkes to nominate Ald. Mark Langdon as chairperson, seconded by Ald. Steve Krueger. Having no other nominations, the nominations were closed and a unanimous ballot was cast for Ald. Mark Langdon to be the committee chairperson.

2. Accountability of Common Council and Committee members

It was noted that Cities of Milwaukee, Madison, and Green Bay have procedures that provide accountability for elected officials.

Ald. Mark Langdon distributed the City of Green Bay Code of Conduct and highlighted main topics throughout including:

- City of Green Bay ordinance references
- Wisconsin Statute references
- Frivolous complaints
- Timeframe to file complaints
- Ethics Board

Discussed the need for a definition of “bullying”

Questions regarding which policies have been approved by the Common Council regarding ethics and codes of conduct that would apply to elected officials

C. ADJOURNMENT

Motion made by Ald. Steve Krueger and seconded Ald. Ted Grade by to adjourn at 9:40a.m. Motion carried.

Minutes submitted by DJM



CITY OF GREEN BAY, WISCONSIN
CODE OF CONDUCT FOR
ELECTED OFFICIALS

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CODE OF CONDUCT FOR ELECTED OFFICIALS

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SECTION 1: The City of Green Bay Code of Conduct

It is the policy of the City of Green Bay to uphold, promote, and demand the highest standards of ethics from its elected officials. Accordingly, members of the Common Council and Mayor shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or authority improperly or for personal gain.

The City of Green Bay and its elected officials share a commitment to ethical conduct and service to the City of Green Bay. 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 Green Bay, and with all other private and governmental entities.

SECTION 2: Elected Official Conduct with One Another

The Common Council and Mayor (hereinafter the “Council”) have a responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial while others are destructive. 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 Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all 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 must recognize that certain behavior is counterproductive, while other behavior will lead to success.

A. Use Formal Titles

The Council shall try to refer to one another formally during public meetings as Mayor, Council President, or Alderperson followed by the individual’s last name.

B. Use 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 has the right to an individual opinion, which should be respected by the other Council members. Council members shall not be hostile, degrading, or defamatory when debating a contentious issue. Council members should assume the other members of the Council have the appropriate motives and interest of the public in mind and should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.

However, this does not allow Council members to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual

encounters. Shouting or physical actions that could be construed as threatening or demeaning will not be accepted. If a Council member is personally offended by the remarks of another Council member, the offended member 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, to keep the comments of Council members on track during Council meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor’s actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council meetings, are vested in the Committee Chair for Committee meetings.

SECTION 3: Elected Official Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials who set policy and the 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.

A. Treat all Staff as Professionals

Council members should 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 forwarded to the employee’s supervisor or the City Attorney through private correspondence or conversation.

C. Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Council, nor any of its members, shall attempt to supersede the administration’s powers and duties. Neither the Council nor any member thereof shall give orders to any subordinate of the Department Heads, either publicly or privately. Council members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits.

Nothing in this section shall be construed, however, as prohibiting the Council while in open session 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 Support from Staff

Council members should not solicit any type of political support (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, but all such activities must be done away from the workplace. Photographs of uniformed City employees shall not be used in political ads.

SECTION 4: Elected Official 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 members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. 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 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. Council 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 will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes, with applicants and appellants or their designated representative allowed more time. If many speakers are anticipated, the Mayor 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 public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no additional public testimony will be accepted unless the Council 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, not other Council members, should interrupt a speaker during a presentation. However, other Council members may ask the Mayor for a point of order if the speaker is off the

topic or exhibiting behavior or language the Council member finds disturbing. Questions directed by Council members to members of the public testifying should 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 or Committee Chair, subject to the appeal of the full Council or Committee per Roberts Rules of Order. [GBMC 2.06(1)]

Outside Public Meetings

E. Make no Promise on Behalf of the City or Council in Unofficial Settings.

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific Council action or promises that City staff will take some specific actions shall be avoided.

Council 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, unless the Council has taken a vote on that issue and the Council member's opinion is the same as the decision made by the Council. Likewise, no Council member should state in writing that Council member's position in a way that implies it is the position of the entire City Council. A Council 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 Council, but must always clarify that he/she is not speaking on behalf of the City or the Council unless authorized by the Council to do so.

SECTION 5: Elected Official Conduct with Public Agencies

A. Be Clear about Representing the City or Personal Interests

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether his or her statement reflects personal opinion or is the official stance of the City.

Council members must inform the Council 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 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 are speaking and must withdraw from voting as a Council 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 committees or boards as a City representative for outside entities or agencies shall properly communicate with other Council members on issues pertinent to the City.

SECTION 6: Elected Official Conduct with Boards and Commissions

A. Limit Contact with Board and Commission Members to Questions of Clarification

Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer for personal gain. Council members may contact Board or Commission members in order to clarify a position taken by the Board or Commission or a member thereof. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

B. Attendance at Board or Commission Meetings

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process.

C. Be respectful of Diverse Opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members must be fair and respectful to all citizens serving on Boards and Commissions.

SECTION 7: Elected Official Conduct with the Media

A. Expression of Positions on Issue

When communicating with the media, Council members should clearly differentiate between personal opinions and the official position of the City. Each Council member represents one vote of twelve and until a vote on any issue is taken, Council members' positions are merely their own.

B. Discussions Regarding City Staff

Council members should not discuss personnel issues or other matters regarding individual City staff in the media. Any issues pertaining to City staff should only be addressed directly to the Department Head or City Attorney.

SECTION 8: Enforcement of this Code of Conduct

A. Filing of Complaints

Any person who believes a Elected official, in his/her official capacity, 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) the name and position of the City official who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of the Code allegedly violated, and (4) a statement of facts constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

Attached to the complaint the person making the complaint shall provide all documents or other materials in the complainant's possession that are relevant to the allegation, 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, and 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 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 Code." 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. The 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 Ethics Board. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency.

B. Time for Filing

A complaint under the Code must be filed no later than one year 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 or the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

C. 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.

D. Complaint Procedure

- (1) Hearing on Complaint**- If the City Clerk determines that the complaint is complete he/she shall forward it to the Ethics Board to set a hearing to investigate the allegations within 45 days after filing of the complaint. The Ethics Board shall issue a summons signed by the City Clerk, commanding the individual so complained of to appear before the Ethics Board on a day and at a place named in such summons and show cause as to why the individual should not be subject to penalties and sanctions. Such summons shall be served at least seven days before the time in

which such person is commanded to appear, and shall include the complaint and any supporting documentation.

- (2) Failure to Respond to Summons- If the individual charged does not appear as required by the summons, the Ethics Board may consider such failure to appear in its recommendation to Council. The Council may subsequently consider such failure to appear in its decision to issue penalties or sanctions.
- (3) Parties Counsel- If the person charged appears as required by the summons and denies the complaint; both the complainant and the person charged may produce witnesses, cross-examine witnesses, and be represented by counsel. The person charged shall be provided a written transcript of the hearing at his or her expense.
- (4) Recommendations- At the conclusion of the evidentiary hearing, the Ethics Board, following deliberation in open or executive 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 Ethics Board 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.
- (5) Council Action- The Council shall determine whether the arguments shall be presented orally, in writing, or both. The Council shall consider and take action on the recommendation of the Ethics Board within 60 days after the Ethics Board adjourns the hearing. Upon review of the report and following a discussion, if the Council, by motion, concludes that there is a violation of the Code, the Council may impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation made by the Ethics Board. In resolving the complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.
- (6) Penalties and Sanctions Policy - It is the intent of the Council to educate and, when necessary, discipline Council members who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that the progressive discipline does not provide the appropriate sanction because of 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.
- (7) Possible Penalties and Sanctions- Possible sanctions may include:
 - a. An informal censure by the Council, which would only be made as part of a motion in a public meeting. [GBMC 2.06(1)]
 - b. A formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper. [GBMC 2.06(1)]
 - c. Mandatory community service. [Wis. Stat. 62.11(3)(e)]
 - d. Attendance at counseling or mediation sessions. [Wis. Stat. 62.11(3)(e)]
 - e. Imposition of a dollar fine of up to \$500.00. [Wis. Stat. 62.11(3)(a) & (c)]

f. 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. A violation of the penalties imposed by Council may constitute grounds for removal from office under Wisconsin Statute §17.12(1)(a).

(8) Notice- The municipal clerk shall give notice of the Council's decision to the person charged.

CITY OF MENASHA POLICY	TITLE: ANTI-HARASSMENT and RETALIATION POLICY
LAST UPDATE: 2017	DISTRIBUTION DATE: July 2017
AUDIENCE: All employees, volunteers, elected and appointed officials, contractors, vendors	TOTAL PAGES: 6
Personnel Committee Approval Date: 4/2/2012; 6/19/2017	Council Approval Date: 4/17/2012; 7/5/2017

I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment, discrimination and retaliation.

II. POLICY

It is the policy of the City of Menasha that all employees have a right to work in an environment free from discrimination and harassing conduct. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over), disability, sex, arrest or conviction record, marital status, sexual orientation, genetic testing, honesty testing, pregnancy or childbirth, religion, military service or use or nonuse of lawful products away from work is expressly prohibited under this policy. The City will not tolerate, condone, or allow harassment or retaliation by any employee or other non-employee who conducts business with the City. Menasha considers harassment, discrimination and retaliation of others to be forms of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, discrimination and retaliation. A violation of this policy can lead to discipline up to and including termination with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

III. PROHIBITED ACTIVITY AND RESPONSIBILITY

- A. Harassment defined as: Unwelcome conduct or action, whether verbal, physical or visual, that is based on a person's protected status as defined by law that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.
- B. Sexual-harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1.Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - 2.Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - 3.Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
- C. Retaliation against any employee or applicant for filing an harassment or discrimination complaint, for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
- 1.Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
 - 2.Generally, any materially adverse action taken against an employee or applicant "because of" protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. Examples of conduct that may be considered retaliation include:
 - (a) Discharge
 - (b) Demotion or not promoting
 - (c) Reduction in pay
 - (d) Reassignment of job duties
 - (e) Giving a less distinguished job title
 - (f) Filing false criminal charges against an employee
 - (g) Significantly diminishing an employee's responsibilities
 - (h) Unwarranted negative performance evaluations (impacting promotional opportunities)
 - (i) Increased scrutiny of employee's work
 - (j) Refusing to restore lost leave time
 - (k) Isolation or shunning an employee
- D. Employee Responsibilities. All supervisors, administrators and employees, as part of their job requirements, are responsible for preventing and eliminating harassment, discrimination and retaliation in the City workplace.
1. Each supervisor shall be responsible for preventing prohibited activities as defined herein by:
 - a. Monitoring the unit work environment on a daily basis for signs that harassment or retaliation may be occurring;

- b. Training and counseling all employees on what constitutes harassment, sexual harassment and retaliation, on the types of behavior prohibited by the City's policy and the procedures for reporting and resolving complaints of harassment or retaliation;
 - c. Stopping any observation that may be considered harassment or retaliation, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
 - d. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending an investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish a complainant. Transfer or reassignment of any of the parties involved should be voluntary, if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
 - e. Assist any employee of the City who comes to that supervisor with a complaint of harassment, discrimination or retaliation in documenting and filing a complaint.
2. Each employee of the City is responsible for assisting in the prevention of harassment, discrimination and retaliation through the following acts:
- a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment, discrimination or retaliation;
 - b. Reporting acts of harassment, discrimination or retaliation to a supervisor; and,
 - c. Encouraging any employee who confides that he or she is being harassed, discriminated, or retaliated against to report these acts to a supervisor.
3. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

E. Complaint Procedures

- 1. Any employee encountering harassment or retaliation is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment and retaliation in order to provide the fullest basis for investigation.
- 2. Any employee who has unsuccessfully attempted to end the harassment or retaliation by means of Section 1 above and who believes that he or she is being harassed shall report

the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment or retaliation, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Department Head, Administrative Services Director, City Attorney or Mayor.

a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the persons performing or participating in the harassment or retaliation, any witnesses to the incident(s), and the date(s) on which it occurred.

3. An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:

a. State of Wisconsin Equal Rights Division
Complaint form is online: ERINFO@dwd.wisconsin.gov

819 North 6th Street
Milwaukee, WI 53203
(414) 227-4384

P.O. Box 8928
Madison, WI 53708
608-266-6860

b. EEOC (Equal Employment Opportunity Commission)
File a charge by phone: 1-800-669-4000
info@eeoc.gov

Reuss Federal Plaza
310 W. Wisconsin Avenue, Suite 500
Milwaukee, WI 53203
1-800-669-4000

c. If the employee exercises either of these options, a copy of the complaint must be filed with the City Attorney within 24 hours of filing of the complaint.

4. The Administrative Services Director or designee shall be responsible for investigating any complaint alleging harassment, discrimination or retaliation.

a. The internal investigative authority shall immediately notify the Mayor or Council President and the City Attorney if the complaint contains evidence of criminal activity such as battery or sexual assault or attempted sexual assault.

b. The investigation shall include a determination as to whether other employees are being harassed or retaliated against by the person, and whether other City employees participated in or encouraged the harassment or retaliation.

c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.

d. A file of harassment, discrimination and retaliation complaints shall be maintained in a secure location. The Mayor shall be provided with an annual summary of these complaints.

There shall be no retaliation against any employee for filing an harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.

4. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. Complaints of employees accused of harassment and/or retaliation may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment or retaliation claim.

5. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency, forum, or Court of law.

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by State and Federal law.

After appropriate investigation, any employee found to have harassed, discriminated or retaliated against another employee will be subject to appropriate disciplinary action, up to and including discharge.

The City expects all employees to act honestly and responsibly in complying with and enforcing this policy. It is the City's desire to provide a pleasant work environment free of harassment for all employees.

purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property.

- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy of efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Section 66.0301 Wis. Stats.

SEC. 2-2-8 INTERNAL POWERS OF THE COUNCIL

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and fine or expel for neglect of duty and punish by fine members or other persons present for disorderly behavior. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-9 SALARIES

- (a) The Mayor and Aldermen who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that a salary or per diem compensation be paid the Mayor and Alderman.
State Law Reference: Section 62.09(6), Wis. Stats.
- (b) The annual salary for aldermen shall be \$5,190
- (c) The salary of the president of the Common Council shall be \$300 per annum over and above the salary given to the other aldermen and shall be payable bi-weekly consolidated with regular aldermanic salary.



RESOLUTION R-12-19

A RESOLUTION ADOPTING RULES OF THE COMMON COUNCIL AND MAYOR

Introduced by Alderman Langdon

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Menasha Common Council and Mayor adopt the following rules;

1.01 MEETINGS

- 1) The meetings of the City of Menasha Common Council shall be held at Menasha City Center, 100 Main Street, rooms 132,133,134 at 6PM on the first and third Monday of the month, excluding the organizational meeting. If the regularly scheduled meeting falls on a holiday the meeting shall be held on the next regular business day.
- 2) The organizational meeting shall be held the third Tuesday of April or as regulated by state statutes.
 - 1) Prior to the organizational meeting, each newly elected alderperson shall receive copies of the City's policies regarding ethics and code of conduct; as well as the proposed rules of the Common Council and Mayor.
 - 2) Following calling the meeting to order, it shall be the duty of the clerk to swear in all new members of the common council before calling roll
 - 3) A quorum being present the Common Council shall proceed
 - 4) The rules of the Common Council and Mayor for the one year term of the body shall be presented and adopted by a majority vote of the Common Council and Mayor.
 - 5) Council members shall occupy the respective seats upon the dais by district from right to left as viewed from the gallery with the Mayor, Clerk, and Attorney at the center.
 - 6) The rules of the Common Council and Mayor shall be amended during the one-year period only by a two-thirds vote of the membership of the Common Council and Mayor.
 - 7) Election of the common council president and chairman and vice-chairman for standing committees shall be by majority vote. Ballots shall be cast by voice vote, in the event that no alderperson gain a majority vote of those present the lowest vote getter shall be deleted from each

subsequent ballot until only two candidates remain on the ballot. In the event of a tie vote, the mayor shall not have the ability to break any tie, and the common council will vote again. If there are three subsequent tie votes the two candidates' names will be placed in a hat and the winner drawn.

- 8) The common council shall recess to standing committees to select chairpersons.
- 9) The common council shall make their representative appointments to: Plan Commission and Neenah-Menasha Fire Rescue Joint Finance and Personnel Committee.
- 3) Budget Review Sessions shall be on the first Wednesday and first Thursday in November, and the second Wednesday in November of each year. Such review session shall start at 5:00 PM; the Mayor shall distribute a listing of the individual budgets to be reviewed on each date. The Mayor will prepare and submit a proposed budget to the Common Council on or before October 15 of each year.
- 4) Special meetings may be called by the Mayor or Council President by notifying members in a manner likely to give each member notice of the meeting and providing the notice at least 24 hours, and a minimum of 6 hours for emergency meetings, before the meeting. The notice shall specify the time, place, and purpose of the meeting.
- 5) The Common Council shall be in continuous session from day to day until adjournment to a day certain or sine die.

1.02 CALL TO ORDER

The Mayor or Council President shall call the meeting to order. The Council members will indicate their attendance by pressing the attendance button on their control console or through a voice roll call. If a quorum is present (Wisconsin Statutes quorum is two-thirds of Council membership) the Council shall proceed to business; if there is no quorum present the members present may compel the attendance of absent members or adjourn. In the absence of the Mayor or Council President any member may call the Common Council to order, and thereupon the Common Council shall appoint one of its members to preside at such meeting.

1.03 NOTIFICATION OF ABSENCE OF MEMBERS

Any Alderman who cannot attend a Council meeting or Committee meeting shall notify the Mayor, City Clerk, President of the Council, or Committee Chair in advance if he/she is unable to attend such meeting except in the case of an emergency. Aldermen shall be recorded present or absent on the official minutes. If an Alderman enters a meeting after it convenes or leaves before it adjourns the time shall be noted in the official minutes.

1.035 QUORUM

A two-thirds (2/3) majority of the members-elect of the Common Council shall constitute a quorum. A less number may compel the attendance of absent members and adjourn. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present. A majority of all the members shall be necessary to a confirmation. In case of a tie the Mayor shall have a casting vote as in other cases.

1.04 ORDER OF BUSINESS

At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and provided to the Mayor and each member of the Common Council no later than the Friday preceding the regular meeting.

The order of business of Council meetings shall be as follows:

Without objection, the presiding officer may re-order any agenda item within the prescribed order of business or may temporarily set aside an agenda item for action later in the meeting for the convenience of the Common Council.

- 1) Call to order.
- 2) Pledge of Allegiance.
- 3) Roll Call/Excused Absences.
- 4) Public Hearing
- 5) Public Comment on any matters of concern to the City (five (5) minute time limit for each person).
- 6) Report of Department Heads/Staff/Consultants (Minutes to receive and Communications)
- 7) Consent Agenda
- 8) Items Removed from Consent Agenda
- 9) Action Items
- 10) Ordinances and resolutions.
- 11) Appointments.
- 12) Held Over Business
- 13) Claims against the City
- 14) Citizen Reprise (people from the gallery to be heard, only pertaining to matters on the agenda; five (5) minute time limit for each person).
- 15) Items for next meeting agenda (by majority vote)
- 16) Adjournment

1.05 SPECIAL RECOGNITION

The City of Menasha 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 Menasha residents. All requests should be made to the chair prior to the meeting and the Alderman making the request shall be recognized at the appropriate point within the agenda.

1.06 INTRODUCTION OF BUSINESS

- 1) No items may be removed from an agenda without approval from the chairperson after the initial approval of the agenda by the chairperson.
- 2) Ordinances can only be introduced by the request of the Mayor, any Alderman, standing or special committees of the Common Council. All ordinances submitted to the Council shall be in writing and shall begin with a brief statement of the subject matter, a title and the name of the Alderman or Mayor introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- 3) The Mayor or any Alderman may introduce an ordinance at any Council meeting simply by stating, "I desire to introduce the following ordinance." An ordinance may also be introduced by the Mayor or an Alderman directing the City Attorney to draft such ordinance and file it with the Clerk to be placed on the next Council agenda. The Clerk shall cause such proposed ordinance to be printed in the official City newspaper if any Alderman so requests. Such notice shall state the date the proposed ordinance will be considered by the Council or any committee. The public will be permitted to address the Council or any committee when the Council or committee considers any such ordinance. A specific public hearing shall be scheduled to consider any such ordinance upon request of any Council member. No second is required to introduce any ordinance, to request its publication, or to request a public hearing.
- 4) Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- 5) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested. No ordinance may be passed by the Common Council until the next Council meeting following its introduction at either a Committee or Council level. When said ordinance on its face does not adequately advise the public of its contents, the City Attorney shall add a brief note of explanation.

1.07 PRESIDING OFFICER TO PRESERVE ORDER

It shall be the duty of the presiding officer to preserve decorum; and if any member transgresses the rules of the Common Council, the 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.

- 1) When a question is pending, a member can condemn the nature of likely consequences of the proposed measure in strong terms, but the member must avoid personalities and under no circumstances can the member attack or question the motives of another member or the entire Common Council.
- 2) 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.

1.08 MOTIONS

- 1) 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.
- 2) After a motion is stated by the presiding officer it shall not be withdrawn except by the unanimous consent of the Common Council.

1.09 MOTION TO RECESS

Any member or the chair may recess at any point during the meeting with a majority vote.

1.10 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.

1.11 CALLING THE QUESTION

Any member wishing to terminate the debate may move the previous question as "shall the question before us now be put?" If two-thirds of the members present vote in the affirmative the question before the council shall be taken without further debate.

1.12 DIVISION OF QUESTION

Any member may call for a division of the question when the question is one that may be divided.

1.13 DEBATE

- 1) In the debate, each member has the right to speak unlimited times for an unlimited length of time.
- 2) A member who wishes to abstain must announce so 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 cannot abstain from voting.
- 3) Upon the request of a member of the Common Council or Committee 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.
- 4) No officer, elected official or staff member may distribute, hold a loft, or place on the dais for public view additional information during or immediately before a Common Council meeting.

1.15 PRESENCE REQUIRED AT MEETINGS; ELECTRONIC COMMUNICATIONS AND DEVICES

- 1) Common Council and committee meetings' purpose is to conduct official business of the City of Menasha, therefore, business casual attire is expected. With the exception of the City's logo, business casual attire does not include apparel with advertising or logos, hats, shorts, flip flops, clogs, and the like.
- 2) No member shall be allowed to vote by proxy, nor shall meetings be conducted telephonically or electronically.
- ~~3) No member of the Council or Committee shall communicate electronically with another member of the Council or Committee or member of the public during a meeting on any matter on the meeting agenda, unless the electronic communication is saved and available under the Public Records Law.~~
- 4) 3) _____ Use of electronic devices during a meeting shall be limited in time and the scope should pertain only to researching items of the Common Council or Committee proceedings to be shared with the members not be allowed while the Common Council or Committee is in session.

1.21 RECONSIDERATION OF THE QUESTION

- 1) A motion for reconsideration can be made on any matter before the Common Council by a member who voted with the prevailing side. It must be made on the day the Common Council acted or at the next regular meeting. It does not require a second.

- 2) When a member who voted with the prevailing side moves to reconsider, such matter is automatically placed at the head of the calendar at the next Council meeting. This is a non-debatable motion and requires a two-thirds (2/3) vote of the members present. The effect of a motion to reconsider shall be to put the matter back in its original condition or status before the main motion was voted upon.
- 3) Reconsideration cannot be held, whenever the Council takes an action and something is done which cannot be undone by a motion to reconsider, such as a property right or where money has exchanged hands or other consideration given, such a motion is invalid.

1.29 CITIZENS RIGHT TO ADDRESS THE COMMON COUNCIL

- 1) The agenda for regular Common Council meetings shall include items “Public Comment on any matters of concern to the City (five minute time limit for each person)” and “Citizen Reprise (people from the gallery to be heard, only pertaining to matters on the agenda (five minute time limit for each person).” The meeting chair may provide limited answers to public questions but no debate and no action may be taken.
- 2) The agenda for special Common Council meetings shall include an item on the agenda “People from the gallery to be heard on matters pertaining to this agenda (five minute time limit for each person).”
- 3) Persons addressing the Common council during the two public participation forums shall be required to state their name and address before addressing the Common Council or Committee. A sign-up sheet will also be provided for those persons who do speak to sign in.

1.30 WRITTEN COMMUNICATIONS TO THE COMMON COUNCIL

- 1) Written communications to individual Common Council members may be mailed to the member’s home address as listed in the City Directory or delivered to City Hall. Items received at City Hall will be forwarded to the appropriate Common Council member with their next Common Council packet.
- 2) All communications to Common Council members are considered open records and shall be maintained by the guardian and made available by request.

1.31 PUBLIC HEARINGS

The appropriate Department Head will draft an explanation sheet that shall accompany any required notice to residents of any Public Hearing. The explanation sheet shall also be attached to the Public Hearing agenda. A brief explanation of the requested action shall be made by the appropriate Department Head at the Public Hearing. An explanation sheet as to the rules for any Public Hearing will be attached to the Public Hearing notice.

Persons addressing the Common council during a public hearing shall be required to state their name and address before addressing the Common Council. A sign-up sheet will also be provided for those persons who do speak to sign in.

1.32 ROBERTS RULES OF ORDER TO GOVERN COUNCIL

In the absence of a standing rule, ordinance, or statute, the Common Council shall be governed by Roberts Rules of Order.

1.33 CONFIDENTIAL INFORMATION

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. 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, Wis. Stats., misconduct in public office or removal from office under Chapter 17 of the Wisconsin Statutes for cause.

Passed and approved this ____ day of April, 2019.

Recommended by:

Motion/Second:

Passed:

Requires:

Donald Merkes, Mayor
ATTEST:

Deborah A. Galeazzi, City Clerk