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CITY OF FRANKLIN
COMMITTEE OF THE WHOLE MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
MONDAY, APRIL 19, 2021 AT 6:30 P.M.

- I. Call to Order and Roll Call.
- II. Business:
 - A. American Rescue Plan Introductions/Overview
 - B. Wholesale Public Water Supply to Franklin 2024. The Committee of the Whole may enter closed session pursuant to Wis. Stat § 19.85(1)(e) to deliberate upon information, terms and provisions of the potential provision of public water supply to the City of Franklin as related to the City, the Franklin Municipal Water Utility and its customers in 2024 and beyond; and the potential negotiation of terms in relation thereto, including, but not limited to potential amendments to the Agreement for Oak Creek to Provide Water at Wholesale to Franklin, potential agreement terms with alternate public water supply sources, including, but not limited to the City of Milwaukee and Milwaukee Water Works, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
 - C. Initial Discussion Regarding the Establishment/Use of the following:
 - i. City of Franklin Common Council Reference Manual
 - Common Council Code of Conduct,
 - Common Council Rules of Order,
 - Handbook for Wisconsin Municipal Officials,
 - Plan to Update to Existing Policies/Need for Additional Policies, and
 - Common Council Training/Professional Development Opportunities.
- III. Adjournment.

*Supporting documentation and details of these agenda items are available in the Committee of the Whole Meeting Packet on the City of Franklin website www.franklinwi.gov

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



American Rescue Plan Spending: Recommended Guiding Principles

Signed into law on March 11, 2021, **The American Rescue Plan Act of 2021** (“ARPA”) provides \$350 billion in additional funding for state and local governments. **Please click here for GFOA’s analysis of ARPA.** The state funding portion is approximately \$195 billion with \$25.5 billion distributed equally among the 50 states and the District of Columbia and the remaining amount distributed according to a formula based on unemployment.

The local funding portion is approximately \$130 billion, equally divided between cities and counties. Localities will receive the funds in two tranches—the first after the U.S. Treasury certifies the proceeds to each jurisdiction and the second one year later.

For cities, \$65 billion is divided between jurisdictions that are Community Development Block Grant (CDBG) entitlement jurisdictions and those that are not. \$45.5 billion of the \$65 billion will be allocated to metropolitan cities utilizing a modified CDBG formula, and the remaining amount for jurisdictions that are non-entitlement CDBG, will be allocated according to population. For the non-entitlement jurisdictions, the amount will not exceed seventy- five percent of their most recent budget as of January 27, 2020. Additionally, non-entitlement jurisdictions proceeds will be allocated through the state for redistribution to local governments.

For counties, the \$65 billion will be allocated based on the county’s population. Counties that are CDBG recipients will receive the larger of the population or CDBG-based formula.

Eligible uses of these funds include:

- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency,
- COVID-19 expenditures or negative economic impacts of COVID-19, including assistance to small businesses, households, and hard-hit industries, and economic recovery,
- Premium pay for essential workers,
- Investments in water, sewer, and broadband infrastructure.

Restrictions on the uses of these funds include:

- Funds allocated to states cannot be used to directly or indirectly to offset tax reductions or delay a tax or tax increase;
- Funds cannot be deposited into any pension fund.

Funding must be spent by the end of calendar year 2024.

As with previous COVID-19 relief packages, implementation will be an extensive process as new or updated guidance and FAQs are developed and released by the U.S. Treasury. For example, the legislation requires each jurisdiction's executive to "certify" that the funds will be used for eligible purposes. That process is currently under development by the U.S. Treasury.

GFOA will provide regular updates as information becomes available. If you have specific questions or need clarification, GFOA has launched an online portal to gather member questions to help shape engagement and solicit answers from the Administration.

For many jurisdictions, the funding provided under ARPA is substantial and could be transformational for states and local governments in their pandemic rescue and recovery efforts. Elected leaders will need to decide how to best use the additional funding consistent with the ARPA requirements, which are very broad. Finance officers play a critical role in advising elected leaders on the prudent spending of moneys received under ARPA. *Finance*

officers are best positioned to help ensure the long-term value of investments and financial stability of its government using this one-time infusion of resources. When considering how to best advise elected officials and plan for the prudent use of ARPA funds, we offer the following outline of Guiding Principles for the use of ARPA funds:

GFOA American Rescue Plan Act Guiding Principles

Temporary Nature of ARPA Funds. ARPA funds are non-recurring so their use should be applied primarily to non-recurring expenditures.

- Care should be taken to avoid creating new programs or add-ons to existing programs that require an ongoing financial commitment.
- Replenishing reserves used to offset revenue declines during the pandemic should be given high priority to rebuild financial flexibility/stability and restore fiscal resiliency.
- Use of ARPA funds to cover operating deficits caused by COVID-19 should be considered temporary and additional budget restraint may be necessary to achieve/maintain structural balance in future budgets.
- Investment in critical infrastructure is particularly well suited use of ARPA funds because it is a non-recurring expenditure that can be targeted to strategically important long-term assets that provide benefits over many years. However, care should be taken to assess any on-going operating costs that may be associated with the project.

ARPA Scanning and Partnering Efforts. State and local jurisdictions should be aware of plans for ARPA funding throughout their communities.

- Local jurisdictions should be cognizant of state-level ARPA efforts, especially regarding infrastructure, potential enhancements of state funding resources, and existing or new state law requirements.
- Consider regional initiatives, including partnering with other ARPA recipients. It is possible there are many beneficiaries of ARPA funding within your community, such as

schools, transportation agencies and local economic development authorities. Be sure to understand what they are planning and augment their efforts; alternatively, creating cooperative spending plans to enhance the structural financial condition of your community.

Take Time and Careful Consideration. ARPA funds will be issued in two tranches to local governments. Throughout the years of outlays, and until the end of calendar year 2024, consider how the funds may be used to address rescue efforts and lead to recovery.

- Use other dedicated grants and programs first whenever possible and save ARPA funds for priorities not eligible for other federal and state assistance programs.
- Whenever possible, expenditures related to the ARPA funding should be spread over the qualifying period (through December 31, 2024) to enhance budgetary and financial stability.
- Adequate time should be taken to carefully consider all alternatives for the prudent use of ARPA funding prior to committing the resources to ensure the best use of the temporary funding.

The influx of funds will undoubtedly benefit state and local finances, and aid in the recovery from the budgetary, economic, and financial impacts of the pandemic. Rating agencies will evaluate a government's use of the ARPA funds in formulating its credit opinion and, importantly, will consider your government's level of reserves and structural budget balance, or efforts to return to structural balance, as part of their credit analysis. Finance officers will play a critical role in highlighting the need to use ARPA funds prudently with an eye towards long-term financial stability and sustainable operating performance. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize.

American Rescue Plan Allocations
 State of Wisconsin
 Cities Receiving \$1 Million or More
 March 2021

<u>City</u>	<u>Amount in Millions</u>
Milwaukee	\$405.72
Madison	\$49.19
Racine	\$46.98
West Allis	\$32.29
Kenosha	\$27.80
Green Bay	\$25.23
Wauwatosa	\$25.18
Sheboygan	\$22.88
La Crosse	\$21.99
Oshkosh	\$20.97
Superior	\$17.70
Beloit	\$16.28
Wausau	\$15.75
Appleton	\$14.76
Fond Du Lac	\$14.22
Eau Claire	\$13.42
Janesville	\$12.14
Waukesha city	\$7.15
Neenah	\$5.44
New Berlin city	\$3.92
Brookfield city	\$3.87
Menomonee Falls village	\$3.76
Greenfield city	\$3.68
Oak Creek city	\$3.59
Franklin city	\$3.54
Sun Prairie city	\$3.43
Manitowoc city	\$3.22
West Bend city	\$3.12
Fitchburg city	\$3.04
Mount Pleasant village	\$2.68
Stevens Point city	\$2.56
Caledonia village	\$2.50
Muskego city	\$2.48
De Pere city	\$2.47
Mequon city	\$2.41
Grand Chute town	\$2.30
Pleasant Prairie village	\$2.08
South Milwaukee city	\$2.05
Howard village	\$1.99
Germantown village	\$1.99
Middleton city	\$1.98
Fox Crossing village	\$1.88
Onalaska city	\$1.87
Cudahy city	\$1.79

Wisconsin Rapids city	\$1.74
Marshfield city	\$1.74
Ashwaubenon village	\$1.70
Oconomowoc city	\$1.68
Menomonie city	\$1.64
Beaver Dam city	\$1.62
Kaukauna city	\$1.61
Bellevue village	\$1.58
Menasha city	\$1.55
Hartford city	\$1.53
Watertown city	\$1.51
Weston village	\$1.50
Salem Lakes village	\$1.47
Pewaukee city	\$1.45
Chippewa Falls city	\$1.42
Greendale village	\$1.40
Hudson city	\$1.39
Waunakee village	\$1.39
Allouez village	\$1.37
Whitefish Bay village	\$1.36
Verona city	\$1.31
Shorewood village	\$1.30
Stoughton city	\$1.30
Plover village	\$1.29
Suamico village	\$1.29
Glendale city	\$1.26
River Falls city	\$1.25
Fort Atkinson city	\$1.23
Greenville town	\$1.22
Harrison village	\$1.22
Baraboo city	\$1.20
Whitewater city	\$1.20
Platteville city	\$1.19
Little Chute village	\$1.19
Port Washington city	\$1.18
Richfield village	\$1.17
Brown Deer village	\$1.17
Grafton village	\$1.16
Cedarburg city	\$1.15
Two Rivers city	\$1.09
Sussex village	\$1.09
Burlington city	\$1.08
DeForest village	\$1.06
Lisbon town	\$1.05
Oregon village	\$1.04
Monroe city	\$1.04
Marinette city	\$1.04
Portage city	\$1.03
Hobart village	\$1.00



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CITY OF FRANKLIN CODE OF CONDUCT ELECTED AND APPOINTED OFFICIALS

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, Members of the Common Council, Mayor, and Appointed Offices shall maintain the utmost standards of personal integrity, trustworthiness, honesty, and fairness in carrying out their public duties, avoid improprieties in their roles as public servants, comply with all applicable laws, and refrain from using their City position or authority improperly or for personal gain.

This Code has been created to ensure that all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Franklin, and with all other private and governmental entities.

The Council also recognizes the reality that an action may be legal but as well be unethical, inappropriate, or be perceived as a form of harassment or abuse. This Code applies to this reality.

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

SECTION 2: ELECTED OFFICIAL CONDUCT WITH ONE ANOTHER

The Common Council and Mayor (hereinafter the "Council") have a responsibility to set policy for the City. In doing so, certain types of conduct are beneficial while others are destructive. 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 of Formal Titles

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

B. Use of Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every Council Member 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. Each Council Member should work under the premise that all other Council Members are acting with appropriate motives and keeping the interest of the public in mind, and should not criticize differing opinions because they believe them to be lacking in judgment or are improperly motivated.

However, this does not allow Council Members 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 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 meetings. Council Members should respect the 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 respectfully and with reason, following commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council Meetings.

D. Use of Electronics

Respect for each other, constituents, and those appearing before the Council demands that no electronic devices are used during presentations, citizen comment period, staff reports, public hearings and the like. Cell phone use, including: e-mail, text, etc , is prohibited at all times during meetings.

SECTION 3: ELECTED OFFICIAL CONDUCT WITH CITY STAFF

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

The taxpayers, through the Common Council, invest a substantial amount of funding on employing and training our employees to provide valuable, and in some cases lifesaving, work for the City. Our employees are truly our most valuable asset. Each employee has a specific role to play in serving our constituents and that role is defined with approval of the Common Council via specific job descriptions and duties. We rely on our supervisors and management to lead other staff members in carrying out the mission of the City. The City of Franklin, through its form of government and Municipal Code, has charged the Mayor as the responsible person for all staff in the City, except as may be otherwise provided by law pursuant to the Wisconsin Statutes.

The Common Council, on recommendation from professional staff and volunteer boards/commissions/committees, recommend from time to time various aspects of personnel management including policies and procedures, pay plans, benefit plans and other related items. On Council direction, the Mayor is charged with implementing these items in a manner he/she sees fit while working with the executive team.

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

Members of the Common Council must be diligent in maintaining this "chain of command" such that the taxpayers and citizens receive the maximum value from the investment made in our employees. Council Members must refrain from engaging in directing employees in their tasks and/or injecting themselves into tasks and projects. Council Members must always keep in mind the efforts made to hire the best people available for their particular job and the expense to the City due to employee turn-over.

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

Should Council Members see a deficiency, need a project or task performed, have a special request for service, or any other directive for staff, they should communicate that, preferably in writing, to the Mayor or Director of Administration. Council Members shall NOT direct employees in their work.

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

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

A. Treat Staff as Professionals

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

B. Never Publicly Demean or Personally Attack an Individual Employee

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

C. Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Council, nor any of its Members, shall attempt to supersede the administration's powers and duties. Neither the Council nor any Member thereof shall give orders to any of the Department Heads or their subordinates, either publicly or privately. Council 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 in an open meeting of the Common Council from fully and freely discussing with or suggesting to the Department Heads anything pertaining to City affairs or the interests of the City.

D. Do not Solicit Political or Business Support from Staff

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

Council Members should refrain from soliciting personal business from staff members.

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. 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. (See section 2 D) 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 three minutes, with applicants, appellants, or their designated representatives allowed additional time. If a substantial number of 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), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic or similar. 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 that the Council Member finds disturbing or out of line. Questions directed by Council Members to members of the public testifying shall seek to clarify or expand information, not to criticize or debate.

D. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures.

Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council per Roberts Rules of Order.

Outside Public Meetings

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

Council Members will frequently be asked to explain a Council 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 Action or promises that City staff will take some specific action shall be refrained from.

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 specific issue and the Council Member's opinion is the same as the result of the vote of the Common Council on the matter. Likewise, no Council Member shall state in writing that Council Member's position in a way that implies it is the position of the entire Common 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 Common Council unless specifically authorized by the Council to do so.

SECTION 5: ELECTED OFFICIALS CONDUCT WITH PUBLIC AGENCIES

Since Council Members act as a single body during Common Council Meetings, such Members should curb individual communications with other agencies.

Council Members must remember that, at most times, they are perceived in public as an Officer 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 Member appears before another governmental agency or organization to provide a statement on an issue, the Council Member must clearly state whether his or her statement reflects a personal opinion or is the official position of the City.

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 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.

SECTION 6: ELECTED OFFICIAL CONDUCT WITH BOARDS, COMMISSIONS, AND COMMITTEES

A. Attendance at Board, Commission, or Committee Meetings

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

B. Assigned Board, Commission, or Committee Duties

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

Regular attendance at meetings and activities is expected.

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

C Be Respectful of Diverse and Opposing Opinions

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

D. Closed Session Participation

Council Members attending a Board, Commission, or Committee meeting of which they are NOT a member must receive permission of the Board, Commission, or Committee to participate in a closed session for that body.

SECTION 7: ELECTED OFFICIAL CONDUCT WITH THE MEDIA

A. Expression of Positions on Issue

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

B Discussions Regarding City Staff

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

SECTION 8: ENFORCEMENT OF THIS CODE OF CONDUCT

A. Filing of Complaints

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

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

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Municipal Code, Policy, or Rule". If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. A notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the Mayor or the Mayor's Designee. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency.

If the complaint is filed against the Mayor, the City Clerk shall submit the complaint filing to the Council President to work with the appropriate parties to process the complaint appropriately on behalf of the City.

B. Confidential Nature of Complaint

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

C. Time for Filing

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

D. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing a complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury

A City Official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

E. Complaint Procedure

(1) Investigation

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

(2) Failure to Comply

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

(3) Recommendations

At the conclusion of the investigation, the Investigating Officer, following deliberation in open or closed session, shall submit a report to the Council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the Council should take into account with respect to the individual charged. The Investigating Officer shall provide the complainant and the individual charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Council.

(4) Council Action

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

(5) Penalties and Sanctions Policy

It is the intent of the Council to educate and, when necessary, discipline City Officials who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that progressive discipline does not provide the appropriate sanction due to the gravity of the offense, or because the Council does not believe the sanction would deter future

misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

(6) Possible Penalties and Sanctions

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

The imposition of any of these penalties or sanctions will require an affirmative vote of 3/4 of the Council, other than an informal or formal censure which shall only require a majority vote of the Council.

(7) Notice

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

Acknowledgement Statement / Signature Required

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

Official Signature

Date

Official Printed Name

Office Held by Official

A RESOLUTION ADOPTING RULES OF THE COMMON COUNCIL AND MAYOR

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

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

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

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

1) MEETINGS

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

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

2) NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS

- a. Any Council Member who is unable to attend a Council Meeting shall notify the Mayor or City Clerk in advance if he/she is unable to attend such meeting, except in the case of an emergency. If an emergency causes a Council Member to miss a Common Council Meeting, that Council Member shall notify the Mayor or City Clerk as soon as practicable after the emergency has been resolved. Members shall be recorded as present, absent on the official minutes.
- b. It shall be noted in the official meeting minutes if a Member enters a meeting after the meeting convenes, or leaves before the meeting adjourns.

3) SPECIAL RECOGNITION

The City of Franklin will consider requests for moments of silence at the beginning of Common Council Meetings that relate to persons or events of community-wide, state-wide, or national significance involving Franklin residents. All requests shall be made to the Mayor or presiding officer prior to

the meeting and the Member making the request shall be recognized at the appropriate point within the agenda.

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

- a. It shall be the duty of the Mayor or presiding officer to maintain and preserve order during Common Council Meetings, including: keeping the discussion of Council Members on track and relevant to the agenda items and preserving decorum; and if any Member transgresses the rules of the Common Council, the Mayor or presiding officer shall, on his or her own or at any Members' request, call such offending Member to order. The Common Council, if appealed to, shall decide the matter by majority vote, per the City of Franklin Municipal Code, Section 19-3, Sub-Section A, as attached hereto.
- b. When a question is pending, a Member is allowed to speak against the nature of likely consequences of the proposed measure in strong terms, but the Member must avoid personalities and under no circumstances shall the Member attack or question the motives of another Member or the entire Common Council.
- c. Points of Order may be used to draw attention to a breach in rules, an irregularity in procedure, the irrelevance or continued repetition of a speaker, the breaching of established practices, or contradiction of previous decision. The chair shall immediately acknowledge the Point of Order and rule on it. A Point of Order is non-debatable, however, may be overruled by a two-thirds vote of the body. Points of Order which are recognized shall be recorded in the official minutes.

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

- a. **ORDER** - The most recent version of Roberts Rules of Order shall be used for conduct of City of Franklin meetings. The City Attorney shall be the Parliamentarian.
- b. **MOTIONS/VOTING** - Motions and voting shall occur per the City of Franklin Municipal Code, Section 19-7, Sub-Sections A – G, as attached hereto.
- c. **MOTIONS** - When a motion is made and seconded, it shall be deemed to be in possession of the Common Council and shall be stated by the presiding officer.
- d. **WITHDRAWING MOTIONS** - Withdrawing motions shall occur per the City of Franklin Municipal Code, Section 19-7, Sub-Section A, as attached hereto.
- e. **DIVISION OF QUESTION** - Any Member may call for a division of the question when the question is one that may be divided without confirming motion.
- f. **DEBATE**
 - i. In the debate, each Member has the right to speak and shall be offered the opportunity by the Mayor or presiding officer before a Member may speak a second time.
 - ii. Members shall be succinct in their statements on an item and shall not dominate debate.
 - iii. Members shall at all times be aware the Council meetings are a place for debate of the item at hand and for decisions on that matter. Additional

information requested by a Member should be addressed to the responsible staff Member prior to the Council meeting. Upon the request of a Common Council Member for any staff member to supply the body such information as requested, the Member must first be recognized by the presiding officer for that person to speak.

- iv. A Member who wishes to abstain must do so in accordance with the City of Franklin Municipal Code, Section 19-7, Sub-Section D, as attached hereto, and announce the same at the start of debate, including reason(s) for abstaining to be included in the minutes and should consider leaving the room during the debate. A Member who participates in debate is not allowed to abstain from voting.
- v. No officer, elected official or staff member may distribute, hold aloft, or place on the dais for public view additional information during or the day of a Common Council meeting.
- g. **CALLING THE QUESTION** - Any Member wishing to terminate the debate may move the previous question as detailed in the City of Franklin Municipal Code, Section 19-7, Sub-Section C, as attached hereto. (A motion to call the question does not require a second.)
- h. **MOTIONS TO TABLE SHALL INCLUDE DATE OR TIME FRAME FOR ACTION** - Motions to table shall include a specific date to be returned to the Council or shall require return to the Council upon a specific occurrence within a specified time frame. Except for matters which may be approved by operation of law if not acted upon by Council, if the occurrence shall not happen within the specified time frame, the City Clerk shall notify the Council at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. Upon notice of non-action by the City Clerk, any Council Member may request that the matter be placed upon the next Council agenda for report or official action.
- i. **VOTE CHANGE** - A Member shall only be permitted to change his/her vote up until the point all votes are in and the Mayor reports the results of the vote; no Member shall be permitted to change his/her vote on a matter once the body moves on to another item of business.
- j. **MOTION TO RECESS** - Any Member or the chair may move to recess at any point during the meeting with a majority vote with a stated time for such recess to reconvene.
- k. **MOTION TO ADJOURN** - A motion to adjourn shall always be in order unless the Common Council is engaged in voting, and shall be decided without debate, pursuant to Roberts Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, Section 19-7, Sub-Section F, as attached hereto.
- m. **USE OF UNANIMOUS CONSENT** - Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Common Council President or Temporary Chair when there shall be only one Member put forward for election

6) ATTIRE, PROXY, AND ELECTRONIC COMMUNICATIONS AND DEVICES

- a. **ATTIRE** - Common Council and committee meetings' purpose is to conduct official business of the City of Franklin, therefore, business casual attire or better is expected out of respect for our constituents and the body. Except for the City's logo, business casual attire does not include apparel with advertising or logos, hats, shorts, flip flops, clogs, or similar.
- b. **PROXY** - No Member shall be allowed to vote by proxy.
- c. **ELECTRONIC DEVICES** - Full attention to the matters before the body is the purpose of the Council Meeting. Use of electronic devices to communicate or conduct other personal or professional business during a meeting shall not be allowed while the Common Council is in session.

7) CONFIDENTIAL INFORMATION

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

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

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

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

8) GENERAL RULES OF DECORUM

No person shall personally attack a Council Member, city official, city employee or any other person. For purposes of this section, personal attacks shall include comments directed at a particular person or persons which pertain to any matter

that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance

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

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

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

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, Section 19-2, Section B, as attached hereto, allowing any person to address the Common Council.
- b. Statements are limited to issues that have an impact on the City of Franklin and issues that the Common Council may address at a current or future meeting.
- c. Questions posed by the speaker may be answered by the Mayor or presiding officer, or referred to city staff for a future reply in a timely manner. Council Members will refrain from commenting or attempting to answer questions during Citizen Comment Period.
- d. Statements must not include endorsements of any candidates or other electioneering.
- e. Speakers shall refrain from presenting unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting.
- f. Statements made by the public during Citizen Comment Period orally or in writing become part of the meeting record via audio recording or paper statements but will not be included in the official minutes or postings of the meeting.
- g. Written statements provided to the Common Council regarding an agenda item must be received by the Clerks office no later than 6:00 PM on the day prior to the day of the Common Council meeting. Comments will be provided to the aldermen and appropriate staff but will not be read out loud at the meeting.

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

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

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

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

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

11) RULES PERTAINING TO STAFF/APPLICANT PRESENTATIONS

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

12) CLOSED SESSION

Closed Sessions are the legal opportunity for the Common Council to discuss matters that, if done in an open meeting, would potentially harm an individual, company, or group's reputation, or financial position, or diminish the City's negotiating position. Wisconsin Statutes, Section 19.85, provides the only reasons a common council may enter closed session.

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

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

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

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

All personal electronic devices are prohibited while in Closed Session.

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

13) AMENDMENT AND SUSPENSION OF RULES

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