

R E S O L U T I O N

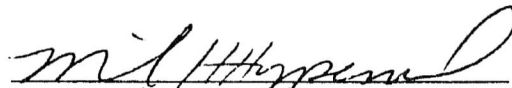
SPONSOR: Alderman Bartel
FROM: Building & Grounds & Public Welfare

WHEREAS, Chapter 30 of the Municipal Code established the Ethics Board,
and

WHEREAS, their Board is charged with setting up Operating Procedures for
the Boards and how it is to handle potential conflicts

NOW, THEREFORE, BE IT RESOLVED that the attached "Rules of Procedure" be
adopted and implemented.

Adopted 7 FEBRUARY 1989


City Clerk/Treasurer

Approved 8 FEBRUARY 1989


Mayor

DATE	2-7-89	
	YES	NO
SEEBER	/	
READY	/	
MOLDENHAUER	2/	
KUEHL		/
BOLL	/	
CLEMANS	/	
SCHLEICHER	/	
BARTEL	1/	
YENSER	/	
ECKERT	/	
BERG		/
MARON	/	
BIWERSI	/	
MAYOR LENZ		
TOTAL	11	2

RULES OF PROCEDURES
ETHICS BOARD
CITY OF WATERTOWN, WISCONSIN

1.01 ETHICS BOARD. The Ethics Board is created by Chapter 30, City of Watertown Ordinance and has the authority to administer the Code of Ethics for elected and appointed public officials and employes of the City of Watertown. It consists of four (4) members, one of whom is an alternate member, appointed by the Mayor and approved by the Common Council.

1.02 OFFICERS. At the initial meeting, and thereafter the annual meeting in the month of November each year, the Board shall elect, by majority vote of its members, a Chairperson and Vice-Chairperson. They shall hold office until the next annual meeting.

1.03 SCHEDULE MEETINGS. The schedule meetings of the Ethics Board shall be held the 2nd Tuesday of each month. The time, place and subject matter of meeting, including that intended for consideration at any contemplated closed session, will be announced in such form and timeliness as is reasonably likely to apprise members of the public and the news media thereof. Each meeting shall be open for the purpose of receiving inquiries regarding the Code of Ethics for which an advisory opinion is being sought.

1.04 SPECIAL MEETINGS. Special meetings may be held on call of the chairperson. Notice to Board members shall be given at least twenty-four (24) hours before the time of the meeting.

1.05 AGENDA. The Agenda of the items of business for each meeting shall be prepared and published by the Chairperson.

1.06 QUORUM. Three (3) members of the Board shall constitute a quorum. The alternate member of the Ethics Board shall be considered in making a determination whether the Board has a quorum.

1.07 VOTING. A majority vote of the board shall be necessary to pass any motion with the exception that Findings of Fact and Conclusions of Law made by the Board at a hearing conducted under Section 30.7(F)(K) of the City Ordinance shall require the unanimous vote of the Board. All votes are to be recorded.

1.08 MINUTES. Minutes of all meetings shall be kept. The Board shall direct the obtaining of a Court Reporter for any hearing conducted under Section 30.7(F)(K) of the Ordinance.

1.09 RESOURCES. The City shall provide the necessary resources, including financial, in order for the Board to conduct its business.

1.10 ACCESS TO RECORDS.

(a) Advisory Opinions:

Records of the Board's Opinions, opinion requests, and investigations of violations shall be closed to public inspection. The Board, however, may make such records public with the consent of the individual requesting the advisory opinion. If an individual who has received a written opinion from the Ethics Board, publishes any portion of the opinion, he or she shall have waived all confidentiality regarding the request, opinion, deliberations and all actions taken by the Board and shall be deemed to have given the Board's consent to release otherwise confidential records. Upon issuing the advisory opinion, the Board shall inform the individual in writing the waiver of confidentiality regarding the above records.

(b) Records of Hearings:

Certified copies, records and documents of a hearing conducted by the Board shall be closed to the public as per Section 30.7(B) of the City Ordinance.

2.01 INVESTIGATION.

(a) The Board shall accept from any person, or make upon its own motion, a signed complaint in writing which shall state the name of the officer of employe alleged to have committed a violation of this chapter and which shall set forth the particulars thereof. The Board shall forward, within ten (10) days, a copy of the complaint to the officer or employe who is accused. If no action on the verified complaint is taken by the Board within sixty (60) days, the complaint shall be void.

(b) Following the receipt or motion of a complaint, the Board may make preliminary investigations with respect to alleged violation of Chapter 30. The Board shall verify the complaint and shall direct that a preliminary investigation be conducted by designated personnel of the Watertown Police Department or other designated individual. No preliminary investigation of the activities of any officer or employe may be initiated unless such officer or employe is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights.

(c) Upon completion of the investigation, the investigator shall file a written report with the Board. If, following the investigation, the Board determines there is not probable cause to believe a violation of the Ethics Code has occurred, the Board will dismiss the complaint, with all parties being notified of such action.

(d) If, after such investigation, the Board finds that probable cause exists to believe the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than thirty (30) days after such finding. The Board shall give the accused at least twenty (20) days' notice of the hearing date. The designated legal counsel shall prepare and present the allegations to the Board on behalf of the City. Such hearings shall be at closed session unless the accused petitions for a hearing open to the public. The rules of civil procedures shall apply to such hearings. All evidence, including certified copies of records and documents which the Board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

(f) During all stages of any investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation shall be entitled to be represented by counsel of his own choosing.

(g) The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

(h) The Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Section 885.01(3) of the Wisconsin Statutes.

2.02 HEARING. Upon determination by the Board to hold a hearing, it shall set the day, time and place of the hearing and give written notice to the public official or employe. Within ten (10) days of receipt of notice, the public official or employe may obtain continuation to a later hearing date but not more than thirty (30) days after the initial date set for hearing on the notice.

2.03 CONDUCT OF HEARING.

(a) The hearing shall be closed to the public unless the accused petitions for a hearing open to the public. Upon receipt of petition, by unanimous vote of the Board, a determination will be made whether or not to open the hearing to the public. The Chairperson of the Board shall preside at the hearing and all appearances noted.

(b) A transcript of the hearing shall be taken and prepared by a court reporter. The original transcript shall be paid for by the City.

(c) The Chairperson shall read the complaint unless waived.

(d) Opening and closing statements may be made by the parties or their attorney.

(f) As the burden shall be upon the City to prove a violation of the Code, the designated legal counsel shall present its case to the Board first.

2.04 WITNESSES.

(a) The testimony of all witnesses shall be under oath.

(b) The appearance of witnesses may be compelled by subpoenas issued by the Chairperson of the Ethics Board.

(c) Witnesses subpoenaed by the Board shall be entitled to payment of witness fees and mileage by the City.

(d) Each party shall have the right to cross-examine and impeach witnesses.

(e) The Board shall have the right to examine any witness called to testify before the Board.

2.05 RULES OF EVIDENCE.

(a) The Chairperson may make all rulings on procedure and evidence. A ruling challenged by a Board member shall be finally determined by majority vote of the Board.

(b) In making its determination, the Board shall consider only such evidence as is admissible in civil procedures in the State of Wisconsin.

2.06 DETERMINATION. Upon conclusion of the hearing and the Board's deliberation, the Board shall file its decision within five (5) days in writing signed by all participating Board members with Findings of Fact, Conclusion of Law and a Final Determination concerning the propriety of the conduct of the official or employe and if appropriate, refer the matter to the Common Council or other proper authority with a recommendation for suspension, removal from office or employment or other disciplinary action. A copy of the determination shall be delivered to the official or employe upon the Board filing its decision.

3.01 ADVISORY OPINION.

(a) Upon the written request of a public official or employe, the Board will furnish an advisory opinion in writing regarding the application of the Code of Ethics to that public official or employe.

(c) The Chairperson shall read the complaint unless waived.

(d) Opening and closing statements may be made by the parties or their attorney.

(f) As the burden shall be upon the City to prove a violation of the Code, the designated legal counsel shall present its case to the Board first.

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3.01 ADVISORY OPINION.

(a) Upon the written request of a public official or employe, the Board will furnish an advisory opinion in writing regarding the application of the Code of Ethics to that public official or employe.

(b) The request shall contain a full statement of the pertinent facts and may contain the application of the Code of Ethics understood by the public official or employe.

(c) The request shall be filed with the Chairperson and placed on the next Board agenda. The Board shall decide whether to prepare an opinion or request additional information in writing.

(d) Prior to the Board rendering an advisory opinion, the person who applies to the Ethics Board for an advisory opinion, may, within twenty (20) days of submitting said application, request for an opportunity to present his or her interpretation of the facts at issue and of the applicability of the provisions of the Code.

(e) A Board member may dissent in writing from a Board advisory opinion.


(f) If an advisory opinion is given to a public official or employe and that party is later determined by the Board after a hearing to have violated the Code of Ethics in respect to this subject matter of the advisory opinion, the Board will then consider the advisory opinion in making its recommendation to the Common Council or other proper authority.


4.01 AMENDMENT OF RULES. These rules shall not be changed, amended or repealed unless the amendment is introduced in writing at a regular meeting and the same laid over for consideration at the next regular meeting subsequently scheduled.

4.02 ROBERTS' RULES OF ORDERS. The Rules of parliamentary rules of order shall govern the proceedings of the Board in all cases to which they are applicable, if not inconsistent with any special rule adopted for the government of the Board or contrary to the laws of the State of Wisconsin.

Adopted by the Board of Ethics on the 24th day of January, 1989.


Glenn Friedl,
Chairperson


Al Krause
Member


Diane Kutzler,
Vice-Chairperson


Gerald McKee
Alternate