



AGENDA
City of Milton
Policy Ad Hoc Committee
Wednesday, January 20, 2016
5:30 PM
MILTON CITY HALL
Council Chambers Conference Room, 710 S. Janesville Street

- 1. Call to Order and Confirmation of Appropriate Meeting Notice.**
- 2. Approval of Agenda**
- 3. Approval of Minutes - Policy Ad Hoc Committee Minutes - December 2, 2015.**
Documents: [12-2-2015 Policy Ad Hoc Committee Minutes.pdf](#)
- 4. Discussion and Possible Action Regarding Review of Council Ethics and Expectations.**
Documents: [123015 City of Milton Code of Ethics.pdf](#), [122815 Council Expectations Draft 2.pdf](#), [Code of Ethics Article I.Division1.Secs 2-1 thru 2-12 1-11-16.pdf](#)
- 5. General Items**
- 6. Set Future Meeting Date(s)**
- 7. Motion to Adjourn**

**Please note that upon reasonable notice, at least 48 hours in advance, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's office at 868-6900, 710 S. Janesville Street, Milton, WI 53563.

Notice is hereby given that a majority of the Common Council may be present at this meeting at the above mentioned date and time to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the City Council will not take any formal action at this meeting.

Posted at Dave's Ace Hardware, Piggly Wiggly, Milton City Hall

Posted by: Elena Hilby

City of Milton
Policy Ad Hoc Committee Minutes

12/2/2015 - Minutes

1. Call to Order and Confirmation of Appropriate Meeting Notice.

Ald. Theresa Rusch called the December 2, 2015 meeting of the Policy Ad Hoc Committee to order at 5:30 p.m.

Present: Ald. Theresa Rusch, Ald. Lynda Clark, and Larry Laehn,

Excused: Herb Stinski and Alicia Klos.

Also Present: City Clerk Elena Hilby.

2. Approval of Agenda

Ald. Clark moved to approve the agenda. L. Laehn seconded, and the motion carried.

3. Approval of Minutes - Policy Ad Hoc Committee Minutes - October 28, 2015.

L. Laehn moved to approve the minutes. Ald. Rusch seconded, and the motion carried with Ald. Clark in abstention.

4. Discussion and Possible Action Regarding Review of Council Expectations.

- Ald. Rusch reviewed what had been discussed at the last meeting.
- Committee members agreed that a hybrid of the examples from Green Bay and Cross Plains would be preferable.
- The format that was forming was:
 - Mission Statement
 - Expectations
 - Code of Conduct
- Under the expectations section where it addresses that Council members should faithfully attend committee meetings and report to the Council.

5. General Items

L. Laehn asked to get ideas of projects that may be headed to this committee.

6. Set Future Meeting Date(s)

The next meeting will be on Wednesday, January 6, 2016 at 2:00 p.m. in the City Hall conference room.

7. Motion to Adjourn

L. Laehn moved to adjourn the meeting of the Policy Ad Hoc Committee at 6:15 p.m. Ald. Clark seconded, and the motion carried.

Respectfully submitted,
Elena Hilby
City Clerk

City of Milton Code of Ethics

CODE OF ETHICS.

(1) **DECLARATION OF POLICY.** The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. To assist in attaining these goals, there is established a code of ethics for all City officials, including members of boards, committees, and commissions, and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the City and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the City. The purpose of this code and the rules and regulations established hereby are declared to be in the public interest.

(2) **DEFENITIONS.**

- a. **Financial Interest.** Any interest, which yields directly a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- b. **Persons.** Any person, corporation, partnership, or joint venture.
- c. **Official duty or act.** One done by an officer in his or her official capacity under color and by virtue of his or her office. An authorized act.
- d. **Violation.** Violation includes any unlawful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal, or neglect of an officer to perform any duty enjoined by law on him or her.

(3) **RESPONSIBILITY OF PUBLIC OFFICE.** Public officials and employees hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state; to observe the highest standards of law in the exercise of the powers and duties of their office; to impartially carry out the laws of the nation, state, and city; to discharge faithfully the duties of their office regardless of personal considerations; and to recognize that the public interest must be their prime concern.

(4) **DEDICATED SERVICE.** Appointive officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials

and employees from other governmental bodies, agencies, and jurisdictions unless prohibited from doing so by law.

(5) FAIR AND EQUAL TREATMENT. No official or employee shall use or permit the use of city- owned vehicles, equipment, materials, or property unless authorized to do so. All officials and employees are obligated to give the same consideration to matters and persons in like or similar circumstances and may not arbitrarily or capriciously treat one person differently from another.

(6) CONFLICT OF INTEREST.

(a) Financial and Personal Interest Prohibited. No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to any direct financial interest which is incompatible with the proper discharge of his or her official duties in the public interest contrary to the provisions of this section or which tends to impair his or her independence of judgment or action in the performance of his or her official duties.

(b) Specific Conflicts Enumerated.

1. Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official's or employee's independence of judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein provided.
2. Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.
3. Gifts and Favors. Discretion and the judgment of a reasonable, prudent person shall be exercised in the acceptance of giving of gifts which may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value, except campaign contributions under sub. (7).
4. No public official, subject to this code, shall solicit private donations or funds for any City-related purpose unless authorized to do so in his or her official capacity under color of law or by virtue of his or her office. Any public official who receives funds for any City-related purpose shall file a report of the receipt and expenditure of such funds with the City Clerk within 30 days thereof. For purposes of this subsection, "City-related purposes" shall mean those purposes authorized by the Common Council of the City of Milton, its boards, commissions, or committees. Nothing contained herein shall limit the statutory powers and authority of any public official, nor shall the provisions of this subsection prohibit the

private, confidential solicitation of funds, by any person or public official, for any charitable, campaign, or other private purpose.

5. No Common Councilmember, during his/her term of office, or one year thereafter, is eligible for any employment with the City of Milton, whether by regular employment or contractual services. Exceptions to this policy will be as follows:
 - a. Where a Common Councilmember is appointed to fill a vacancy for another elected office or is elected;
 - b. Where a Common Councilmember serves as a poll worker or at any other position which has a stipend of less than \$1,000 a year; or
 - c. Where a Common Councilmember is appointed to a post with an 80% majority consent of the Council.
 - d. Contracts with the City. No City officer or employee, who in his or her capacity as such officer or employee participates in the making of a contract in which such person has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the City unless, within the limitations of §946.13, Wis. Stats., the contract is awarded through a process of public notice and competitive bidding.
 - e. Disclosure of Interest in Legislation. To the extent known, any member of the Common Council who has a financial interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.
 - f. Any other official or employee who has a financial interest in any proposed legislative action of the Common Council and who participates in discussion with or gives an official opinion or recommendation to the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.

(6) DISCLOSURE OF CERTAIN FINANCIAL INTEREST.

- (a) A person elected, appointed, or hired for any office or position of employment or appointed to any board, commission, or authority set forth below shall file initial and amended statements of economic interest as required by the provisions of this section.

ELECTED OFFICIALS

Mayor

Municipal Judge

Common Councilmembers

APPOINTED OFFICIALS

City Attorney
City Clerk / Deputy Treasurer
Finance Director
Director of Public Works
Police Chief

BOARDS

Board of Review
Ethics Board
Zoning and Planning Board of Appeals

COMMISSIONS

Police Commission
Fire Commission

AUTHORITIES

Community Development Authority

- (b) Within seven days after such person becomes a candidate for any elective City office enumerated in sub. (a) above, or prior to appointment to such office enumerated in sub. (a) above, such person shall file a statement of economic interest with the City Clerk.
- (c) Form of Statement.
1. Interest in Land. A person filing any statement of economic interest under this section shall file the statement on a form prescribed by the Ethics Board and shall supply the following information to the Board: a description of all parcels of real estate within the City and adjoining towns or villages in which the person owns any interest, including an option to purchase, if such property is to be considered for rezoning or purchase by any entity of government, but exempting homestead property.
 2. Corporate Interests. All candidates for a political office of the City and all appointive positions enumerated in sub. (a) above shall identify all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which such individual owns more than 2 percent of the outstanding stock or more than 2 percent of any other business ownership that is doing business with the City in an amount in excess of \$5,000.00 annually.
- (d) Amended Statements. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such person shall file the amended statement in the manner prescribed by sub. (b) above within seven days of the date of any change in circumstances requiring filing thereof.

(e) Elected and appointed officials and employees shall comply with the provisions of this section within 30 days after the requirements hereof are imposed upon such office or position.

(7) CAMPAIGN CONTRIBUTIONS. Campaign contributions shall be reported by all candidates for City office in conformity with the Wisconsin Statutes.

(8) ETHICS BOARD.

(a) There shall be an Ethics Board, which shall consist of the Mayor and all current members of the Common Council. If a complaint involves a member of the Common Council, then that member shall not sit as a member of the Ethics Board, and the Mayor shall temporarily appoint a resident of the City to serve as a member of the Ethics Board solely for the purpose of that investigation. If a complaint involves more than one member of the Ethics Board, then the Mayor shall temporarily appoint as many additional residents of the City as are necessary to seat seven members of the Board. All appointments made by the Mayor are subject to approval by the Common Council.

(b) The jurisdiction of the Ethics Board is limited to acting within the scope of subs. (8)(d) and (9) of this code.

(c) The Ethics Board may recommend amendments of this code to the Common Council.

(d) Upon the sworn complaint of any person alleging facts, which, if true, would constitute a violation of this section, the Board shall conduct a "due process" public hearing unless a private hearing is requested by the person accused and, in written findings of fact and conclusions based thereon, make a determination concerning the complaint. If the Ethics Board finds there is probable cause a person has violated a provision of this section, it shall refer the matter to the City Attorney, District Attorney, or Common Council for appropriate action. In making such referral, the Ethics Board shall attach the findings and conclusions as well as such documents as it decides are germane to the issue; the statement of determination shall not be admissible as evidence in any court.

(e) Prior to the Ethics Board being convened and conducting a public hearing as provided for in paragraph (d) above, the written complaint of the person alleging facts which constitute a violation shall be reviewed by the City Administrator and City Attorney to ensure that the complaint alleges facts which, if true, would constitute a violation or improper conduct under the provisions of this document or state statute. If the City Administrator and City Attorney determine that sufficient facts have been alleged, the complaint will be sent to the Ethics Board. If the City Administrator and City Attorney determine that the complaint does not allege sufficient facts, the City Administrator and City Attorney will confer with the complaining party and request the complaining party to either supplement the complaint with additional facts or inform the complaining party that the complaint will not be presented to the Ethics Board for consideration.

(f) A majority vote of the entire membership of the Ethics Board shall be required to make a finding of probable cause.

(9) APPLICABILITY OF CODE. When an official or employee has doubt as to the applicability of a provision of this code, such person may apply in writing to the Ethics Board for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of the code before such advisory decision is made. This code shall apply except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.

(10) PENALTY AND SANCTIONS. Violation of any provision of this section may constitute cause for suspension, removal from office or employment, or other disciplinary action as set forth in State Statutes _____.

(11) SEVERABILITY. If any provision of this section is held invalid or unconstitutional, or if the application of this section to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this section which can be given without the invalid or unconstitutional provision or application.

STATEMENT OF ECONOMIC INTERESTS PURSUANT TO CITY OF MILTON CODE OF ETHICS 1.90(6) (c)
NOTE: THIS FORM IS REQUIRED TO BE COMPLETED AND FILED IN THE OFFICE OF THE CITY CLERK. IF
THE ANSWER TO ANY QUESTION CONTAINED HEREIN IS "NONE", SO STATE, SIGN THE STATEMENT,
AND DELIVER TO THE CLERK.

I, _____, hereby declare and certify that the information contained herein is, to the best of my knowledge, true, correct, and complete.

1. Describe all parcels of real estate within the City and adjoining towns or villages in which you own any interest, including an option to purchase, but exempting homestead property, and state if such property is to be considered for rezoning or purchase by an entity of government.
2. Identify any and all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which you own more than 2 percent of the outstanding stock or more than 2 percent of any other business ownership that is doing business with the City in an amount in excess of \$5,000.00 annually.

Dated this ____ day of _____, ____.



CITY OF MILTON EXPECTATIONS

City of Milton residents can expect all City officials, including members of boards, committees, and commissions, and employees, whether elected or appointed, paid or unpaid to direct their service to the community in the following manner.

COMMUNICATION/INTERACTION

- Engage in honest, open, and clear communication and interaction with the public
- Engage in honest, open, and clear communication and interaction with city staff
- Engage in honest, open, and clear communication and interaction with fellow council members
- Develop and maintain a familiarization with city ordinances to promote honest, open, and clear communication and interaction with all parties
- Faithfully attend all sessions of Council unless unable to do so for some compelling reason or disability
- Faithfully attend all sessions of committees you represent unless unable to do so for some compelling reason or disability and be prepared to report committee progress at Council meetings

TRUST

- Value transparency and conflicts of interest
- Value teamwork

FUTURE ORIENTED

- Make decisions to meet current needs, while also benefiting the community as a whole in the foreseeable future

ORDINANCE # _____
AN ORDINANCE CREATING CHAPTER 2,
ARTICLE 1, DIVISION 1, SECTIONS 2-1 THROUGH 2-12
OF THE CODE OF ORDINANCES OF THE CITY OF MILTON
ESTABLISHING A CODE OF ETHICS

WHEREAS, the Common Council of the City of Milton is committed to a properly operating democratic government responsible to the people of the City of Milton and to the ethical conduct of all city officials and employees; and

WHEREAS, the Common Council of the City of Milton, having determined that it is appropriate to enact a Code of Ethics to provide standards for ethical conduct on the part of its officials and employees as well as to provide a mechanism for enforcement of those ethical standards.

NOW, THEREFORE, the Common Council of the City of Milton do ordain as follows:

Section I: Chapter 2, Article I., Division 1 of the Code of Ordinances of the City of Milton is hereby created to read as follows:

Division 1. CODE OF ETHICS

Sec. 2-1. DECLARATION OF POLICY. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. To assist in attaining these goals, there is established a code of ethics for all City officials, including members of boards, committees, and commissions, and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the City and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the City. The purpose of this code and the rules and regulations established hereby are declared to be in the public interest.

Sec. 2-2. DEFINITIONS. The following definitions apply to this division:

- a. Financial Interest. Any interest, which yields directly a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- b. Persons. Any person, corporation, partnership, or joint venture.

- c. Official duty or act. One done by an officer in his or her official capacity under color and by virtue of his or her office. An authorized act.
- d. Violation. Violation includes any unlawful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal, or neglect of an officer to perform any duty enjoined by law on him or her.
- e. City. The City of Milton.
- f. Common Council. Common Council of the City of Milton.

Sec. 2-3 RESPONSIBILITY OF PUBLIC OFFICE. Public officials and employees hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state; to observe the highest standards of law in the exercise of the powers and duties of their office; to impartially carry out the laws of the nation, state, and city; to discharge faithfully the duties of their office regardless of personal considerations; and to recognize that the public interest must be their prime concern.

Sec. 2-4 DEDICATED SERVICE. Appointive officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials and employees from other governmental bodies, agencies, and jurisdictions unless prohibited from doing so by law. No official or employee shall violate any applicable provisions of the Employee Handbook and Policy Manual.

Sec. 2-5 FAIR AND EQUAL TREATMENT. No official or employee shall use or permit the use of city- owned vehicles, equipment, materials, or property unless authorized to do so. All officials and employees are obligated to give the same consideration to matters and persons in like or similar circumstances and may not arbitrarily or capriciously treat one person differently from another.

Sec. 2-6 CONFLICT OF INTEREST.

(a) Financial and Personal Interest Prohibited. No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to any direct financial interest which is incompatible with the proper discharge of his or her official duties in the public interest contrary to the provisions of this section or which tends to impair his or her independence of judgment or action in the performance of his or her official duties.

(b) Specific Conflicts Enumerated.

1. Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, when

such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official's or employee's independence of judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein provided.

2. Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, including information obtained in a closed session meeting, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.
3. Gifts and Favors. Discretion and the judgment of a reasonable, prudent person shall be exercised in the acceptance of giving of gifts which may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value, except campaign contributions under sec. 2-8.
4. No public official, subject to this code, shall solicit private donations or funds for any City-related purpose unless authorized to do so in his or her official capacity under color of law or by virtue of his or her office. Any public official who receives funds for any City-related purpose shall file a report of the receipt and expenditure of such funds with the City Clerk within 30 days thereof. For purposes of this subsection, "City-related purposes" shall mean those purposes authorized by the Common Council of the City of Milton, its boards, commissions, or committees. Nothing contained herein shall limit the statutory powers and authority of any public official, nor shall the provisions of this subsection prohibit the private, confidential solicitation of funds, by any person or public official, for any charitable, campaign, or other private purpose.
5. No Common Council member, during his/her term of office, or one year thereafter, is eligible for any employment with the City of Milton, whether by regular employment or contractual services. Exceptions to this policy will be as follows:
 - a. Where a Common Council member is appointed to fill a vacancy for another elected office or is elected;
 - b. Where a Common Council member serves as a poll worker or at any other position which has a stipend of less than \$1,000 a year; or
 - c. Where a Common Council member is appointed to a post with an 80% majority consent of the Council.

- d. Contracts with the City. No City official or employee, who in his or her capacity as such official or employee participates in the making of a contract in which such person has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the City unless, within the limitations of Sec. 946.13, Wis. Stats., the contract is awarded through a process of public notice and competitive bidding.
 - e. Disclosure of Interest in Legislation. To the extent known, any member of the Common Council who has a financial interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.
 - f. Any other official or employee who has a financial interest in any proposed legislative action of the Common Council and who participates in discussion with or gives an official opinion or recommendation to the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.
- (c) Violation of State Ethics Code. No City official or employee shall engage in any activity in violation of the provisions of Sec. 19.59(1), Wis. Stats., which are incorporated by reference.

Sec. 2-7 DISCLOSURE OF CERTAIN FINANCIAL INTEREST.

- (a) A person elected, appointed, or hired for any office or position of employment or appointed to any board, commission, or authority set forth below shall file initial and amended statements of economic interest as required by the provisions of this section.

ELECTED OFFICIALS

Mayor
Municipal Judge
Common Council Members

APPOINTED OFFICIALS

City Attorney
City Clerk / Deputy Treasurer
Finance Director
Director of Public Works
Police Chief

BOARDS

Board of Review
Ethics Board
Zoning and Planning Board of Appeals

COMMISSIONS
Police Commission
Fire Commission

AUTHORITIES
Community Development Authority

- (b) Within seven days after such person becomes a candidate for any elective City office enumerated in sub. (a) above, or prior to appointment to such office enumerated in sub. (a) above, such person shall file a statement of economic interest with the City Clerk.
- (c) Form of Statement.
1. Interest in Land. A person filing any statement of economic interest under this section shall file the statement on a form prescribed by the Ethics Board and shall supply the following information to the Board: a description of all parcels of real estate within the City and adjoining towns or villages in which the person owns any interest, including an option to purchase, if such property is to be considered for rezoning or purchase by any entity of government, but exempting homestead property.
 2. Corporate Interests. All candidates for a political office of the City and all appointive positions enumerated in sub. (a) above shall identify all corporate interests in any business organization, either as an owner, part owner, partner, or silent partner, in which such individual owns more than 2 percent of the outstanding stock or more than 2 percent of any other business ownership that is doing business with the City in an amount in excess of \$5,000.00 annually.
- (d) Amended Statements. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such person shall file the amended statement in the manner prescribed by sub. (b) above within seven days of the date of any change in circumstances requiring filing thereof.
- (e) Elected and appointed officials and employees shall comply with the provisions of this section within 30 days after the requirements hereof are imposed upon such office or position.

Sec. 2-8 CAMPAIGN CONTRIBUTIONS. Campaign contributions shall be reported by all candidates for City office in conformity with the Wisconsin Statutes.

Sec. 2-9 ETHICS BOARD.

- (a) There shall be an Ethics Board, which shall consist of the Mayor and all current members of the Common Council. If a complaint involves a member of the Common Council, then that member shall not sit as a member of the Ethics Board, and the Mayor shall temporarily appoint a resident of the City to serve as a member of the Ethics Board solely for the purpose of that investigation. If a complaint involves more than one member of the Ethics Board, then the Mayor shall temporarily appoint as many additional residents of the City as are necessary to seat seven members of the Board. All appointments made by the Mayor are subject to approval by the Common Council.
- (b) The jurisdiction of the Ethics Board is limited to acting within the scope of subs. (d) and Sec.2-10 of this code.
- (c) The Ethics Board may recommend amendments of this code to the Common Council.
- (d) Upon the sworn complaint of any person alleging facts, which, if true, would constitute a violation of this section, the Board shall conduct a "due process" public hearing unless a private hearing is requested by the person accused and, in written findings of fact and conclusions based thereon, make a determination concerning the complaint. If the Ethics Board finds there is probable cause a person has violated a provision of this section, it shall refer the matter to the City Attorney, District Attorney, or Common Council for appropriate action. In making such referral, the Ethics Board shall attach the findings and conclusions as well as such documents as it decides are germane to the issue; the statement of determination shall not be admissible as evidence in any court.
- (e) Prior to the Ethics Board being convened and conducting a public hearing as provided for in paragraph (d) above, the written complaint of the person alleging facts which constitute a violation shall be reviewed by the City Administrator and City Attorney to ensure that the complaint alleges facts which, if true, would constitute a violation or improper conduct under the provisions of this document or state statute. If the City Administrator and City Attorney determine that sufficient facts have been alleged, the complaint will be sent to the Ethics Board. If the City Administrator and City Attorney determine that the complaint does not allege sufficient facts, the City Administrator and City Attorney will confer with the complaining party and request the complaining party to either supplement the complaint with additional facts or inform the complaining party that the complaint will not be presented to the Ethics Board for consideration.
- (f) A majority vote of the entire membership of the Ethics Board shall be required to make a finding of probable cause.

2-10 APPLICABILITY OF CODE. When an official or employee has doubt as to the applicability of a provision of this code, such person may apply in writing to the Ethics Board for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of the code before such advisory decision is made. This code shall apply except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the Ethics Board to be more appropriate or desirable.

2-11 PENALTY AND SANCTIONS. Violation of any provision of this section may constitute cause for suspension, removal from office or employment or forfeiture as provided in Sec. 1-14.

2-12 SEVERABILITY. If any provision of this division is held invalid or unconstitutional, or if the application of this division to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this division which can be given without the invalid or unconstitutional provision or application.

Section II. This Ordinance shall take effect and be in force from and after its passage and publication.

Approved by the Common Council of the City of Milton this _____ day of _____, 2016.

By:

Anissa Welch, Mayor

Attest:

Elena Hilby, City Clerk

1st Reading:
2nd Reading:
3rd Reading:
Date Adopted:

Effect of Ordinance: Creates a Code of Ethics for officials and employees of the City of Milton.