



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Common Council

Tuesday, April 18, 2023

6:00 PM

Council Chambers

Informal Organizational Meeting

- A. CALL TO ORDER
- B. ROLL CALL OF ALDERPERSONS
- C. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- D. PROPOSED COUNCIL RULE CHANGES

[23-0400](#)

Rule 3. Order of Business

Ald. Siebers

Review subsection a. Invocation

Provide/discuss parameters for the Invocation

[23-0380](#)

Rule 4. Resolutions/Meeting Minutes

Ald. Meltzer & Ald. Wolff

All Resolutions shall be submitted to the Council in writing. (Add): ***Council members are encouraged to work with staff before introducing Resolutions in order to ensure that Resolutions are well-researched and ready for debate.***

[23-0381](#)**Rule 14. Call the Question***Ald. Doran*

Call the Question - The motion to call the question cannot be used when the speaker yields to another and then regains the floor. No member can call the question while speaking to the issue. Note: The motion to call the question is not debatable per Robert's Rules. The motion to call the previous question will be allowed during deliberations of the Committee of the Whole. At the time the question is called, the Chair will announce how many Alderpersons are in line to speak. (Add): **The question will be called only if 4/5ths of the members present approve.**

[23-0382](#)**Rule 15. Referrals***Ald. Doran*

Referrals - A request by an Alderperson to refer an item back to committee shall be automatic, unless a member of Council objects to the referral, and the objection is seconded; ~~2/3~~ **4/5ths** of the members present vote to approve the objection the item remains on the agenda and is not referred. A subsequent request to refer back shall be by a motion and carried by a simple majority vote of the members of the Common Council present. The Alderperson using the automatic refer-back shall present his/her rationale for taking the action. The Alderperson shall appear at the next meeting of the committee of jurisdiction. If the Alderperson is unable to attend the committee meeting, he/she shall communicate his/her intent to the Committee Chair or the Committee contact person.

[23-0386](#)**Rule 25. Meeting Schedules***Ald. Alfheim*

No two regularly scheduled Committee/Commission/Board meetings shall be scheduled to start within ~~one hour~~ **forty-five (45) minutes** of any other, except with Common Council approval.

[23-0383](#) **Rule 32. Continuity of Government**

Ald. Doran

The Council, by ~~secret~~ **open** ballot, will elect a Council President and a Council Vice President. If for any reason the Mayor was incapacitated and not able to perform the necessary duties, the Council President would become the acting Mayor. If the Council President were unable to perform these duties, the Council Vice President would become the acting Mayor.

[23-0389](#) **Rule 33. Remote Meeting Participation**

Ald. Hartzheim

Strike Rule 33. in its entirety.

[23-0384](#) **Rule 34. Withdrawal of Resolutions**

Ald. Doran

Strike Rule 34. in its entirety.

[23-0390](#) **Rule 34. Withdrawal of Resolutions**

Ald. Hartzheim

Strike subsection 2. of Rule 34.

~~2) A Resolution may be withdrawn at the Council level by its author subject to consent of 2/3 of Council members present.~~

[23-0385](#) **Creation of new Rule - Pledge of Allegiance**

Ald. Doran

Add Pledge of Allegiance for every meeting of Committees, Board & Commissions

At the beginning of any meeting of a committee, board or commission, regardless of the location in which the meeting is held, after calling the meeting the order, the chair of the meeting will call for the Pledge of Allegiance to be recited before moving on to any other business.

If the United States flag is not present, attendees should simply stand and place their right hand over their heart and face towards the person leading in the recitation of the Pledge or to where the flag would normally be placed.

E. REVIEW OF REMAINING RULES OF COUNCIL

[23-0387](#) Rules of Council

Attachments: [Council Rules - FINAL 4-20-22.pdf](#)

F. DEPARTMENT AND COMMITTEE FUNCTIONS

[23-0388](#) Department and Committee Functions

Attachments: [Dept-Comm Functions - FINAL 4-20-22.pdf](#)

G. CODE OF CONDUCT

[23-0398](#) Code of Conduct

Attachments: [Code of Conduct - Draft for 2023 Org Meeting.pdf](#)
[Code of Conduct - Current.pdf](#)

H. OTHER COUNCIL BUSINESS

I. ADJOURN

Kami Lynch, City Clerk

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.

**We are currently experiencing intermittent issues/outages with our audio/video equipment. Meeting live streams and recordings are operational but unreliable at times. This is due to delays in receiving necessary system hardware components. We continue to look for solutions in the interim and we hope to have these issues resolved soon.*

RULES OF COUNCIL

Adopted 4/20/2022

Rule 1. Common Council Meeting Date – The regular meeting of the Common Council shall be held on the first and third Wednesday of each month at seven o'clock p.m. Special meetings shall be called in accordance with the General Charter. Changes to the regular meeting schedule will be approved by the Common Council.

Rule 2. Call to Order – The presiding officer shall call the meeting to order. The Council members will indicate their attendance by selecting the 'Join' button on their tablet to join the meeting. If a quorum is present (Wisconsin Statutes quorum is two-thirds of Council membership) the Council shall proceed to business, and if there is no quorum present the members present may compel the attendance of absent members or adjourn.

Rule 3. Order of Business

- a. Invocation
- b. Pledge of Allegiance to the Flag
- c. Roll Call of Alderpersons
- d. Roll Call of Officers and Department Heads
- e. Approval of previous Council meeting minutes
- f. Business presented by the Mayor
- g. Public Participation

The Council provides a 30 minute period of time to allow public participation at each Council meeting. The City Clerk or designee shall be the official time keeper. Public participation shall be limited in subject matter to issues appearing on the Council Agenda. Persons wishing to speak in person must sign the registration list prior to 7:00 p.m. on Council night. Persons wishing to speak via remote electronic means, when that technology is available, must register with the City Clerk by 3:00 p.m. the day prior to the meeting. Public participants must keep their comments to a maximum of 5 minutes per person. Suspension of Rules will be required to allow public participation to exceed the time allotment. An extension granted by the Suspension of Rules shall be for 15 minute increments.

h. Public Hearings, elections, appointments

i. Special Resolutions

j. Establish Order of the Day

The presiding officer will call for the order of the day. To establish the order, an Alderperson may make one or more requests to move an action item or items to the beginning of the agenda, when recognized by the Chair. The Common Council will agree upon any other process to request a change to the order of the day. If possible, refer backs by Alderpersons should take place during the "Establish Order of the Day" portion of the meeting. If there are any objections, a vote of support to the Chair's ruling can be asked for and approved by a simple majority.

k. Meeting Minutes of Standing and Special Committees

l. Consolidated Action Items

m. Approval of Ordinances

n. Presentation of:

License applications

Letters

Remonstrances

Memorials

Accounts

Miscellaneous

o. Presentation of Resolutions

p. Other Business

q. Adjournment

Rule 4. **Resolutions / Meeting Minutes** – All resolutions shall be submitted to the Council in writing. Meeting minutes before the Council shall be in the Granicus document management system.

Rule 5. **Recognition / Time Limits** – When a member desires to be heard he/she shall indicate by pressing the request to speak button on the tablet. The Chair will recognize the speakers in the order they have pressed their request to speak button. When he/she is recognized by the Chair they shall address the Chair by proper title expressing his/her desire to speak on any question. The Chair may restrict members to speak no more than five (5) minutes on any topic. A non-member of the Common Council shall not be permitted to address the same, except by a majority consent of this Common Council. This rule shall not apply to any public hearing.

Rule 6a. **Motion(s)** – When a motion is made, it shall be stated by the Chair or if in writing, it shall be read by the City Clerk or designee. Any motion (except to adjourn, to postpone, or refer) shall be reduced to writing if required by the Chair or any member of the Common Council.

Rule 6b. When an item has been moved and seconded for action by the Council or a committee, the motion may be withdrawn, prior to being voted on, only if both the moving and seconding alderpersons consent to the withdrawal. This same process applies to withdrawal of pending amendments. However, once an item has been amended, the original motion may no longer be withdrawn.

Rule 7. **Roll Call Vote** – The ayes and nays shall be ordered upon any question at the request of any member, including Committee of the Whole, and the roll call vote will be cast.

Rule 8. **Voting / Conflicts of Interest** – Every member present, when a question is put, shall vote aye or nay, or abstain from voting. An Alderperson who either has a conflict of interest that plans to abstain from a vote or, plans to abstain for any other reason, shall refrain from debating such issue. This rule will apply to the meetings of the Common Council, Committee of the Whole, and all Standing Committees, Commissions and Boards.

Rule 9. **Majority Rules** – Any resolution, ordinance or action item on the meeting minutes of a standing committee, commission or board shall require an affirmative vote of a majority of the members of the Common Council for passage unless a super majority is required by the State Statutes or Municipal Code. (Majority of members = 8, Two-thirds of members = 10, Three-Quarters of members = 12, Four-Fifths of members = 12)

Rule 10. **Reconsideration** – No motion to reconsider shall be made except by a member who voted on the prevailing side, or a member who had an excused absence from the previous Common Council meeting. A motion to reconsider shall be made and seconded at the same or

next meeting of the Common Council. If the reconsideration of an item occurs and the item is not listed on the Common Council Agenda, the item will be automatically referred back to the committee of jurisdiction.

Rule 11. Subsequent Consideration – Once an item has been acted upon by the Common Council, the item may not be acted on during the term of the current council year unless the item has been substantially changed. The current council year is defined as the period during which the current council is seated. The determination of an item being substantially changed will be made by the Chair but can be challenged by a member of the Council. An item that has been acted on in any previous council year can be reintroduced by resolution in the current council year.

Rule 12. Suspension of Rules – No rule shall be suspended, rescinded or amended without the vote of two-thirds of the Common Council members present. An Alderperson requesting a suspension of the Rules will state the reason for the suspension in their motion and the vote will reflect the suspension only for said purpose. Note: A suspension of the rules is not debatable per Robert's Rules.

Rule 13. Separate Vote – Any member of the Common Council requesting a separate vote shall be granted that request by the Chair.

Rule 14. Call the Question – The motion to call the question cannot be used when the speaker yields to another and then regains the floor. No member can call the question while speaking to the issue. Note: The motion to call the question is not debatable per Robert's Rules. The motion to call the previous question will be allowed during deliberations of the Committee of the Whole. At the time the question is called, the Chair will announce how many Alderpersons are in line to speak.

Rule 15. Referrals – A request by an Alderperson to refer an item back to committee shall be automatic, unless a member of Council objects to the referral, and the objection is seconded; if 2/3 of the members present vote to approve the objection the item remains on the agenda and is not referred. A subsequent request to refer back shall be by a motion and carried by a simple majority vote of the members of the Common Council present. The Alderperson using the automatic refer-back shall present his/her rationale for taking the action. The Alderperson shall appear at the next meeting of the committee of jurisdiction. If the Alderperson is unable to attend the committee meeting, he/she shall communicate his/her intent to the Committee Chair or the Committee contact person.

Rule 16. Amendment(s) – Any motion for an amendment on an action item on the Council Agenda requires two votes: 1) to get the amendment accepted or declined; 2) if accepted, action to be taken on the motion as amended. Once an amendment has been proposed, that amendment may be amended a second time (amendment to an amendment); however, Robert's Rules does not permit a third amendment in this sequence (amendment to the third degree).

Rule 17. **Parliamentary Rules** – Meetings of the Common Council and standing committees thereof shall be conducted according to Roberts Parliamentary Rules of Order, 12th Edition, except as specifically amended or altered by the preceding Rules of Common Council or State Statutes. The City Attorney or designee shall serve as parliamentarian and legal advisor.

Rule 18. **Documents (Either electronically distributed or in print)** – which shall be referred to during, or will be necessary for, the discussion of an item on the Common Council's Agenda shall be sent to Alderpersons prior to the day of Council meetings, unless the Mayor decides, based on the need for confidentiality (closed session), it is necessary to withhold documents until the day of a Council meeting. City staff shall make their best efforts to provide documents necessary for discussion of subjects on committee agendas prior to committee meetings. This rule does not apply to any proposed motion, amendment, resolution, or committee meeting minutes.

Rule 19. **Petitions / Resolutions** – All Petitions and Resolutions may include a summary statement that can be read to the Common Council by the Clerk or designee. If a summary statement is not included, the Clerk or designee shall read the Resolution in its entirety. Once the summary statement or Resolution has been read, it will be referred to one of the Standing Committees, Commissions, Boards of Jurisdiction or an elected official. The author/lead author/co-sponsor may appear at the Committee meeting or convey to the Committee the intent of the Resolution and be available for questions. Resolutions referred to an elected official shall be referred to the appropriate Committee of jurisdiction within 60 days of receipt. If a dual jurisdictional item arises, a joint committee of standing committees, commissions or boards may be established by the Mayor to address the subject in a timely manner. Additional input may be requested by the Chair of the Committee, Commission or Board of Jurisdiction from another Committee or Board. No City business shall be referred to a sub-committee except by the committee of jurisdiction or unless requested otherwise by the author of the resolution.

Rule 20. **Department Head Absence / Participation** – All department heads, excluding the City Attorney or designee and City Clerk or designee, that do not have action items on the agenda, are not required to attend Common Council meetings. Department Heads or their designees shall respond to specific requests asked of them upon recognition by the Chair. The Chief of Police or his/her designee shall be the Sergeant at Arms.

Rule 21. **Labor Negotiator** – The Director of Human Resources shall be the Labor Negotiator for all City labor contracts. The City Attorney and the Department Heads shall be available on a call basis during negotiations.

Rule 22. **Committee Meetings** – All committee meetings are considered to be standing meetings. Cancellation of a committee meeting shall be on call of the Chair. No meetings are to commence until 4:30 p.m., unless in consideration of special circumstances a meeting may begin at 4:00 p.m. with the following conditions:

- 1) The 4:00 p.m. meeting is at the call of the Chair
- 2) There is no objection from Committee members
- 3) The time will not conflict with any other meeting
- 4) The Chair will take into consideration public attendance and participation
- 5) Changes in meeting times due to special circumstances will be noticed as required by statute, with as much advance notice provided when possible

No meetings are to be held on Election Day or Martin Luther King Jr. Day. Agendas shall be electronically available to all Alderpersons in advance of the meeting. Alderpersons and support staff shall notify the Chair if they plan to be absent from the meeting or late.

Rule 23. **Standing Committees** – Shall be appointed by the Mayor and confirmed by the Common Council, as follows:

	Committee Members
Community and Economic Development Committee	5
Finance Committee	5
Human Resources/Information Technology Committee.....	5
Parks and Recreation Committee	5
Safety and Licensing Committee.....	5
Municipal Services Committee	5
Utilities Committee	5

Due to scheduling conflicts, 2 Alderpersons may agree to switch committees with the approval of the Mayor. This action must take place before the second Council meeting in May.

Rule 24. **Committee of the Whole** – The Common Council is empowered to act as a committee of the whole for any standing committee, commission or board of the City it has jurisdiction over, except as restricted by State Statutes.

Rule 25. **Meeting Schedules** – No two regularly scheduled Committee/Commission/Board meetings shall be scheduled to start within one hour of any other, except with Common Council approval. All meetings at which action is to be taken shall be held at City Hall, or another noticed location. This section does not apply to the Police and Fire Commission and/or the Library Board.

Rule 26. **Meeting Schedule Changes** – Changes in the normal schedule of meetings shall be announced as far in advance as reasonably possible.

Rule 27. **Committee Agendas** – Committee Agendas are to contain a clear description of each item that will be discussed at the meeting. Resolutions submitted by Alderpersons and items requiring statutory filing with the Office of the City Clerk will be referred to a Committee/Commission/Board and be on the agenda and all subsequent agendas until action is taken and is reported to the Common Council. Departmental operation items will be placed on the committees of jurisdiction agendas by department directors.

Rule 28. **Meeting Minutes** – All items appearing on the Committee/Commission/Board Agendas shall be reported out to the Common Council. Issues with critical timing shall be so indicated on the meeting minutes. The vote shall be recorded indicating which members voted nay or abstained from the vote. All Meeting Minutes shall have the attendance of members and a section called “FOR INFORMATION ONLY”. Items from Committee/Commission/Board Agendas that were postponed, held, withdrawn or referred to another committee shall be included in this section with a date specific for the item to be acted on and shall not be debatable. A suspension of the rules (2/3 vote of the members present) vote is needed to move an information item to an action item on any committee/commission meeting minutes.

Rule 29. **Committee Recommendations** – Recommendations of all committees shall be approved by the Common Council before going into effect. These recommendations shall include, but not be limited to, specific rules exempt by the Council, such as Special Class “B” licenses (except if denial is recommended), temporary street occupancy permits, 90-day trial periods, executive budget transfers under \$10,000 and lot splits.

Rule 30. **Ordinance Referral** – An ordinance brought before the Council that is to be referred back shall be referred to the committee of jurisdiction.

Rule 31. **Recess**. Any council, committee, board or commission meeting lasting longer than two (2) hours shall take a brief recess every two (2) hours. The Chair of the meeting shall determine the duration of the recess. Members of the meeting body may decide not to take a recess by unanimous vote.

Rule 32. **Continuity of Government** – The Council, by secret ballot, will elect a Council President and a Council Vice President. If for any reason the Mayor was incapacitated and not able to perform the necessary duties, the Council President would become the acting Mayor. If the Council President were unable to perform these duties, the Council Vice President would become the acting Mayor.

Rule 33. **Remote Meeting Participation** – Municipal Code Sec. 2-29 allows alderpersons to appear remotely at meetings when technology is available; however, members of the council, committees, boards or commissions shall endeavor to appear in person for the vast majority of meetings. The following shall serve as supplemental rules regarding remote attendance at Council/Committees/Commissions/Boards:

- a) At least twenty-four (24) hours in advance of the meeting, a member shall notify, in writing or by email or telephone, the City Clerk and:
 - 1) In the case of a Council meeting: the President of the Common Council and Mayor;
 - 2) In the case of a Committee/Board/ Commission meeting: the Chair and Designated Contact Person.

- b) City staff will endeavor to record a member's remote meeting attendance in the meeting minutes.
- c) A member will not be permitted to participate in the closed session portion of a meeting conducted pursuant to Sec. 19.85, Wis. Stats.
- d) The Chairperson of these respective bodies (or Council President in the case of Council meetings) shall endeavor to appear in person or ensure that a designee is appointed to appear in person.

Rule 34. **Withdrawal of Resolutions** – After a Resolution is read and referred to a Committee, it shall be deemed to be in possession of the Council; however, a Resolution may be withdrawn by its author (first named Alderperson if more than one author is listed) under limited circumstances:

- 1) A Resolution may be withdrawn at the Committee level by its author if no action has been taken to approve, deny or amend the Resolution. If held at Committee, its author may subsequently withdraw the Resolution prior to the Committee acting on it.
- 2) A Resolution may be withdrawn at the Council level by its author subject to consent of 2/3 of Council members present.

DEPARTMENT AND COMMITTEE FUNCTIONS

4/20/2022

1. **Mayor** – Shall be executive director of all City offices and ex-officio member of all committees, commissions and boards unless otherwise designated by statute, ordinance or rule. Full-time elected officers, and department heads who will be absent from the City shall inform the Mayor as to where they can be reached. Alderpersons shall endeavor to inform the Mayor of how they can be reached in the event that they are absent from the City for an extended period of time.

2. **Finance Committee** – Shall have jurisdiction over all public buildings and public grounds and shall perform such duties as outlined by state law. Shall have jurisdiction over the Department of Finance, the Office of the City Attorney, and the Central Equipment Agency (CEA) advisory committee, budgets, rebates, certain claims, policy matters involving jurisdiction of this committee, and risk management. The Director of Finance, the Director of Public Works, and the Director of Parks, Recreation and Facilities Management or designees, shall attend all Finance Committee meetings in an advisory capacity. The Director of Finance or designee shall also be a member of the CEA advisory committee. A member of the Finance Committee will be appointed at large by the members of the Finance Committee to the CEA advisory committee on an on call basis.

3. **Municipal Services Committee** – Shall have jurisdiction over the Department of Public Works including Operations Division, Traffic Division, Engineering Division, Inspection Division, and the Parking Utility, and over bridges, streets and sidewalks, traffic flow patterns, traffic control, parking ramps, the addition or deletion of on-street parking areas, and forestry within road right-of-way. The Committee recommends to the Council various five-year plans for sidewalks, street construction and reconstruction. The Director of Public Works or designee shall attend all meetings of the Municipal Services Committee in an advisory capacity. The Director of Public Works or designee shall also be a member of the CEA advisory committee. A member or members of the Municipal Services Committee will be appointed at large by the members of the Municipal Services Committee to; 1) be the Council representative to the Boards of Heating Examiners and Building Inspection, and 2) the CEA advisory committee on an on call basis.

4. **Safety and Licensing Committee** – Shall have jurisdiction over the general operations of the Police Department, Fire Department, and the Office of the City Clerk. The Committee approves the location of voting places for elections, all bartender and liquor licenses, and recommends the revocation or suspension of liquor licenses to the Common Council. The Vice Chairman of the Safety and Licensing Committee will serve as the representative to the Towing Services Review Committee. The Police Chief, Fire Chief, the City Clerk, and an Assistant City Attorney or their designee shall attend all meetings of the Safety and Licensing Committee in an advisory capacity.

5. **Community and Economic Development Committee** – Shall have jurisdiction over the Department of Community and Economic Development. The Committee shall encourage

and foster the quality economic and socio/cultural growth and development of the community. The Committee shall assist in the attraction, recruitment, creation, retention and expansion of new and existing business enterprise and industry in the City. It shall identify and engage socio/cultural endeavors that impact the city and represent Appleton's interests accordingly. The Director of Community and Economic Development or designee shall attend all Community and Economic Development Committee meetings in an advisory capacity.

6. Utilities Committee – Shall have jurisdiction over water filtration, distribution and installation of water main, wastewater treatment and any associated sewer lines, stormwater remediation and associated facilities. This committee shall have rate setting responsibilities for all areas under its jurisdiction subject to the rules and regulations of the Wisconsin Public Service Commission or other regulatory agencies as they may apply. The Director of Public Works and the Director of Utilities or their designees shall attend all committee meetings in an advisory capacity.

7. Parks and Recreation Committee – Shall have jurisdiction over parks, recreation programming, and Reid Municipal Golf Course. This committee shall maintain and develop the City park system, provide turf maintenance services and recreational opportunities, including the operation of Reid Municipal Golf Course, to the residents of the city of Appleton. The Director of Parks, Recreation and Facilities Management or designee shall attend all Parks and Recreation Committee meetings in an advisory capacity.

8. Human Resources/Information Technology Services Committee – Shall have jurisdiction over the Department of Human Resources. The Committee shall encourage the use of best practices and assist in developing and supporting strategies and policies that both are financially prudent and develop/maintain a strong, high-quality work force, with a special emphasis on providing or vetting recommendations to the Council in such areas as: institution of HR-related state mandates associated with budget legislation, human resources administration, employee labor relations and negotiations/collective bargaining and strategy, recruitment and selection, staff development and training, employee compensation and benefits, policy and forms generation/compliance, diversity issues, American With Disabilities Act (ADA)/Equal Employment Opportunities Commission (EEOC)/Affirmative Action/Family and Medical Leave ACT (FMLA)/Limited English Proficiency (LEP) program administration, and any change to a Table of Organization within the City. The Director of Human Resources or designee shall attend all Human Resource Committee meetings in an advisory capacity.

In addition, this committee shall have jurisdiction over the Department of Information Technology Services. The Committee shall encourage the use of best practices and support the maintenance of current technology used by the City's staff and in delivery of services to the public as well as the planning and implementation of new technology as improvements and advancements become available. The Director of Information Technology Services or designee shall attend all meetings of this committee in an advisory capacity.

9. Director/Department Attendance – Directors/Departments may be excused from Committee meetings by the Committee Chair if there are no items that pertain to them/their department on that Committee Agenda.

City of Appleton Council

CODE OF CONDUCT

SECTION 1: The City of Appleton Code of Conduct

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

The City of Appleton and its elected officials share a commitment to ethical conduct and service to the City of Appleton. 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 Appleton, and with all other private and governmental entities. By adoption of this Code of Conduct it is the hope and expectation of the City Council that Council Members individually, and the City Council as a whole, will aspire to these high standards and, in the event that these shared objectives are not met in any instance, that self-correction will occur in most every case, with any enforcement a rare and last option.

SECTION 2: Elected Official Conduct with One Another

The City Council (hereinafter the “Council”) has a responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial while others are destructive. The Council has the responsibility to approach intra-Council conduct with decorum and to treat fellow 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.

2a. **FORMAL TITLES** - The Council shall try to refer to one another formally during public meetings as “Alderperson” or “Alder” followed by the individual’s last name.

2b. **CIVILITY AND DECORUM IN DISCUSSION 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 and are, therefore, to be expected. Every Council member has the right to an individual opinion, a right which should be respected by the other Council members. Council members shall not be hostile, degrading, or defamatory. Council members should assume the best intentions of fellow members of the Council and should endeavor to focus debate on the merits of the question before the body.

Council members shall not make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings, during individual encounters, or at any time while acting in their official capacity. Shouting or physical 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" seeking the committee chairperson or Mayor to ask the other Council member to either justify or apologize for the language used. (e.g., While debating a tough substantive issue before City Council member "A" disagrees with the position of member "B" but in doing so member "A" goes beyond the substantive issue and uses a personally disparaging, offensive term or comment about member "B." Member "B" should seek a point of personal privilege of the Chair asking that the Chair remind Member "A" to avoid personal attacks and stay on the substantive issue and then afford Member "A" an opportunity to either explain his or her comment or to apologize to Member "B" and the City Council for a comment outside this Code made in the heat of debate.

2c. ROLE OF THE MAYOR IN MAINTAINING ORDER – It is the responsibility of the Mayor to keep the comments of Council members on track during Council meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced, with reason, using commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council meetings, are vested in the Committee Chair for Committee meetings.

2d. DISCRIMINATION AND OTHER HARASSMENT – The Council is committed to providing an environment that is free of discrimination and unlawful harassment. Unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on an individual's gender, race, ethnicity, age, sexual orientation, gender expression, gender identity, disability, religion or any other legally protected characteristic will not be tolerated. Harassment (both overt and subtle) is a form of misconduct that is demeaning to others and undermines the integrity of relationships. This type of behavior is strictly prohibited.

SECTION 3: Elected Official Conduct with City Staff

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

3a. **TREATING ALL 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 or formal salutation followed by the individual's last name in public meetings when first introduced.

3b. **PUBLICLY DEMEANING OR PERSONALLY ATTACKING AN INDIVIDUAL EMPLOYEE** – Council members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be forwarded to the Mayor, the Human Resources Director or the City Attorney through private correspondence or conversation.

3c. **SUPERSEDING ADMINISTRATIVE AUTHORITY** – Unless otherwise provided in this Code, neither the Council, nor any of its members, shall attempt to supersede the Mayor's powers and duties. Neither the Council nor any member thereof shall give orders to any of the Department Heads, employees or staff, either publicly or privately. Council members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits.

Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with, or suggesting to, the Mayor or Department Heads anything pertaining to City affairs or the interests of the City.

3d. **SOLICITING POLITICAL SUPPORT FROM STAFF** – Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace.

3e. **EQUAL OPPORTUNITY / AFFIRMATIVE ACTION** – In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the City of Appleton are based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, sexual orientation, age, disability, or any other characteristic protected by law. City policies govern all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Council members shall treat employees and each other in a manner consistent with these policies to prevent unlawful discrimination and promote an inclusive positive work environment and working relationships.

SECTION 4: Elected Official Conduct Towards the Public

In Public Meetings

Making the public feel welcome is an important part of the democratic process and a City strategic objective to increase desired public participation. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Council members should convey respect to the public's participation, input, and opinions.

4a. 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. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

4b. ASK FOR CLARIFICATION BUT AVOID DEBATE AND ARGUMENT WITH THE PUBLIC

– Only the Mayor, not other Council members, should interrupt a speaker during a presentation. However, other Council members may ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds does not meet Council's standards of conduct. Questions directed by Council members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

4c. FOLLOW PARLIAMENTARY PROCEDURE IN CONDUCTING PUBLIC MEETINGS –

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor or Committee Chair, subject to the appeal of the full Council or Committee per Roberts Rules of Order.

Outside Public Meetings

4d. MAKE NO PROMISE ON BEHALF OF THE CITY OR COUNCIL IN UNOFFICIAL SETTINGS – Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. Overt or implicit promises of specific Council action or promises that City staff will take some specific actions shall be avoided.

Council members must ensure that in expressing their own opinions they do not mislead any listener into believing that their individual opinion is that of the entire Council unless the Council has taken a vote on that issue and the Council member's opinion is the same as the decision made by the Council. Likewise, no Council member should state in writing that their individual position on a matter is the position of the entire City Council. A Council member has the right to state a personal opinion and has the right to indicate that they are stating such as a member of the Council, but must always clarify that they are not speaking on behalf of the City or the Council unless authorized by the Council to do so.

SECTION 5: Elected Official Conduct with Public Agencies

5a. **BE CLEAR ABOUT REPRESENTING THE CITY OR PERSONAL INTERESTS** – If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether his or her statement reflects personal opinion or is the official stance of the City.

5b. **REPRESENTATION OF THE CITY ON OUTSIDE ENTITIES** – Council members serving as a City representative on outside boards, entities or agencies shall represent the City's best interests and share information and seek input upon responsible request or need with fellow Council members and the Mayor, in a manner consistent with the Open Meetings Law, on issues before the board, entity or agency that are pertinent to the City.

SECTION 6: Elected Official Conduct with Boards and Commissions

6a. **LIMIT CONTACT WITH BOARD AND COMMISSION MEMBERS TO QUESTIONS OF CLARIFICATION** – Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer for personal gain. Council members may contact Board or Commission members in order to clarify a position taken by the Board or Commission or a member thereof. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

6b. **ATTENDANCE AT BOARD OR COMMISSION MEETINGS** – Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process.

6c. **BE RESPECTFUL OF DIFFERENT OPINIONS** – A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members must be fair and respectful to all citizens serving on Boards and Commissions.

SECTION 7: Elected Official Conduct with the Media

7a. **EXPRESSION OF POSITIONS ON ISSUE** – When communicating with the media, Council members should clearly differentiate between personal opinions and the official position of the City. Each Council member represents one vote of fifteen and until a vote on any issue is taken, Council members’ positions are merely their own and should be clearly stated as such.

7b. **DISCUSSIONS REGARDING CITY STAFF** – Council members should not discuss personnel issues or other matters regarding individual City staff in the media. Any issues pertaining to City staff should only be addressed directly to the Mayor, Human Resources Director or City Attorney.

SECTION 8: Enforcement

8a. **IMPLEMENTATION** – The Code of Conduct is intended to be self-enforcing as the City Council holds itself to this established high ethical standard. The Code of Conduct shall be accepted and approved by the Common Council on an annual basis during its organizational meeting and will be included as part of the Handbook for Members of the Common Council.

8b. **POINTS OF ORDER AND PRIVILEGE** – Violations of this Code of Conduct, when made during a chaired public meeting, should be noted promptly after their occurrence by rising to a point of order (applicable when a member believes these or other rules applicable to the board are not being followed) and stating the violation or concern. The Mayor or committee chair shall rule on the point of order, which does not need a second and is not debatable. The Chair’s decision shall stand unless challenged and reversed by a majority vote of the members present and voting as an open session of the City Council. The closely related point of privilege or personal privilege (applicable when some matter which concerns the rights or privileges of the board or board member requires immediate attention) may also be utilized in the same manner as above.

8c. **COMMUNICATION AND RECONCILIATION BETWEEN COUNCIL MEMBERS OUTSIDE OF COUNCIL MEETINGS** – Any Council member who feels a violation of the Code of Conduct has occurred, including outside of a public Council meeting, may raise the issue privately with the other Council member. Attempts should be made to resolve any issue in a professional, private manner and the Council President may be engaged to assist with facilitating a resolution.

8d. **CENSURE PROCESS AND ACTION BY CITY COUNCIL** – The censure process is anticipated to be rare and shall be utilized only after methods of enforcement and resolution available under Sections 8b. and 8c. are attempted. Repeated or serious violations of the Code of Conduct can be noted by a written Complaint for Censure filed with the City Clerk and signed by at least three (3) Council members. A copy of the complaint shall be provided to the party alleged to be in violation on the same day that it is

filed with the Clerk. Complaints shall be heard by the City Council at the next regularly scheduled meeting and no sooner than 5 business days after the complaint is filed with the Clerk. Following the hearing, a minimum 2/3 vote of the entire City Council (10 votes of 15 Council members) is required to uphold the complaint and consider the subject alderperson censured. If a 2/3 vote is not secured, the complaint is considered dismissed.

8e. **STATE ETHICS CODE AND CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION** – This Code is consistent with and in addition to applicable state laws of ethics and prohibited criminal behavior applicable to public officials, including the City Council, which include but are not limited to the following:

1. Code of ethics for local government officials § 19.59(1)
2. Bribery of public officers and employees § 946.10
3. Misconduct in public office § 946.12
4. Private interest in public contract prohibited § 946.13

Any suspected violations of these laws shall be referred to and investigated by the district attorney or attorney general as provided by law. Wis. Stat. § 19.59(8).

A19-1099

City of Appleton Council –Staff

CODE OF CONDUCT

- * Treat everyone with respect; be courteous, prepared and on time; and accept differences.
- * Be honest in all interactions and avoid surprises.
- * Listen to all sides with an open mind and be understanding of different opinions (agree to disagree).
- * Remember that we are elected or appointed to serve the best interests of our community.
- * Act decisively and definitively on behalf of our constituents