

# **CITY OF OSHKOSH BOARD AND COMMISSIONS MANUAL**



BOARD AND  
COMMISSION  
RULES OF ORDER



# ***Oshkosh Board and Commission General Rules of Order***

***Adopted February 27, 2024***

These Rules are established in accordance with and to supplement the Rules contained in Section 2-36 of the City of Oshkosh Municipal Code.

## **Scheduling and Locations of Meetings**

Wisconsin law requires meetings to be “reasonably accessible to members of the public” and open to the extent “compatible with the conduct of governmental business”. Sections 19.81(2) and (1) Wis. Stats.

- I. Boards and Commissions shall hold regular meetings at a regular time and place to be fixed by board or commission. Special meetings may be called by the Chairperson.

Meetings shall be publicly noticed and shall be open to and accessible by the public in compliance with the requirements of the Wisconsin Statutes. Closed sessions shall be approved by the City Manager and/or City Attorney and specifically noticed in accordance with Wisconsin Statutes.

When necessary staffing and technology are available and when practicable in the judgment of the City Manager, public meetings may be made available live or by recording on GOV TV in the City of Oshkosh, live streamed on [oshkoshmedia.org](http://oshkoshmedia.org), live on WOCT radio station 101.9 fm, live through Roku, Apple TV and Amazon Fire Stick.

- II. Remote Participation

The Council recognizes the value of and remains committed to in person meetings and deliberation of matters whenever practicable. However, the City Council recognizes the benefits of providing alternative means for the attendance and participation by members of its boards and commissions, city staff, and the public at its meetings when necessary due to extraordinary circumstances, when convenient or cost-effective for the City, or as a reasonable accommodation for

persons with an ADA disability who are unable to otherwise provide input. Extraordinary circumstances shall mean highly unusual facts or circumstances which prevent in person participation due to emergency declarations or due to the desire for participation by persons including consultants or presenters who are unable because of distance, cost, time or other reason to attend in person and/or when meetings may be better facilitated by all persons participating through Remote Means. Remote participation is intended for the benefit of the City of Oshkosh and not for the benefit of any individual member or other person.

Except when specifically authorized by ordinance or other means adopted by the Common Council or when in the determination of the City Manager, it is reasonable and necessary to limit in person participation for the protection of the public, city officials and city employees (for example, under a Declaration of Emergency); board and commission members must be physically present at the location of the board or commission meeting to participate as a member of the board or commission and vote upon any matter.

“Remote Means, Remote Participation or Remote Appearance” shall mean participation by a member of a public body, by a member of the public, or other individual in a meeting of that public body, where the person is not physically present at a designated meeting location. Remote Participation includes through video, telephone, computer or other means where persons are permitted to view, listen to and participate in the meeting without having a physical presence at a defined physical meeting location.

*Remote Meetings of Boards and Commissions* (Meetings held entirely remotely or with significant remote participation)

Due to logistical limitations in room assignments, technology and staffing, boards and commissions will generally be required to hold all regular and special meetings in person. Remote Participation meetings for regular and special meetings or workshops must be approved by the City Manager and generally all Remote Participation meetings will be required to be held entirely by remote means, meaning that all board and commission members as well as the public will be required to attend by Remote Means (no “hybrid” meetings).

If a meeting is conducted solely by Remote Means and there is no physical meeting location or the public is otherwise excluded from being present at a physical meeting location, the public must be afforded an opportunity to live access the meeting and instructions shall be provided how to do so. This may include live

broadcast or streaming, video or call-in participation, or other adequate means to provide live access to the public meeting. Where public comment or participation is required by law, adequate means must be provided to accommodate such participation.

Appearance by Remote Means as required or permitted by these rules shall be consistent with the following:

- Remote participation may be permitted in meeting rooms that have adequate audio, video and other technological facilities to allow for remote participation.
- Persons participating by Remote Means should be advised via meeting agendas or other means that participation by remote means may be limited by number of participants and available technology, and may be disrupted by problems such as breakdowns of equipment and fluctuation or interruption of electric power or communications networks. The City of Oshkosh does not guarantee that even if persons have been afforded the opportunity to appear by Remote Means that telephone, computer, wifi or other connections will be sufficient or that the person will be guaranteed the ability to appear by this method.
- In order to accommodate participation for the general public by Remote Means, a meeting link will be provided on the meeting agenda. For meetings where the public may participate by Remote Means, general public comment and public comment on all agenda items shall be taken at the beginning of the meeting, except as necessary to conduct Public Hearings or as may be accommodated at the direction of the Board or Commission. Public comment may be closed at the end of any public comment period and persons participating by Remote means shall not interrupt or disrupt the business of the governing body.
- Persons wishing to provide public comment through Remote Means must join the meeting at least 15 minutes prior to the start of the meeting to allow staff to test the audio/video set up. Attendees must stay muted when not speaking and are responsible for muting and unmuting themselves in a timely fashion when called upon to speak.
- Each member of the public speaking must wait to be called upon by the Presiding Member or their designee and must provide their name and address prior to speaking.

- Every person participating by Remote Means must be audible through clear telephone line or computer connections. If a connection is not clear or causes disruption of the meeting, the connection may be terminated at the discretion of the Presiding Member or their designee. If a connection is terminated and this causes the loss of a quorum, the meeting shall be adjourned and rescheduled to another date to permit consideration by a quorum.
- If any board or commission members are participating remotely, all votes shall require a roll call vote – no “all in favor”

*Remote Appearances* (Limited Remote Participation by one or a small number of individuals)

The City of Oshkosh may in its sole discretion permit individual persons to appear via remote means at scheduled in person meetings as a reasonable accommodation to an individual for persons with an ADA disability who are unable to otherwise provide input; to facilitate presentations, to receive information or reports from consultants or other persons; or for other business purposes. Permission for appearances under this paragraph may be requested by the Board or Commission for a planned future meeting or arranged by the staff member assigned to the board or commission with consultation with IT and Oshkosh Media staff. Persons who are permitted to appear in this manner shall comply with all requirements for Remote Participation listed above.

Persons requesting accommodation under this provision must submit such request in advance of the meeting. Requests can best be accommodated if submitted at least 5 business days in advance of the scheduled meeting.

Remote attendance shall not be permitted during any quasi-judicial hearing or appeal hearing by persons testifying or by members of a board or commission adjudicating any matter except under extraordinary circumstances such as a Declaration of Emergency or Emergency Order.

## **Rules of Procedure**

### **I. Rules Pertaining to Placement of Matters on Agendas**

The City of Oshkosh has established various boards and commissions to assist the City Council and City Administration in the review of matters, to provide for the review of actions of staff and appeals from ordinance requirements and to meet statutory requirements. The City Council adopts the following rules to serve as a general guide for boards and commissions in relation to bringing items forward for discussion and the flow of items through staff, boards, and commissions; and to the Council.

The City of Oshkosh operates under a Council-Manager form of government. The City Council is responsible for establishing policy, passing local ordinances, adopting a budget, adopting a strategic plan and goals, appropriating money, and developing an overall vision for the City. The City Manager, as the Chief Executive, is responsible for implementing policies and managing the daily operations of the City, as well as assisting the Council to define policy and vision and to establish strategies for reaching these goals.

Board and Commissions are an important part of the whole of local government. The following pages include charts and narratives for all City of Oshkosh Boards and Commissions, as well as a city organizational chart for reference.

There are several different types of boards and commissions. Advisory Boards and Commissions may assist and inform the Council and the City Manager pertaining to matters within the particular Board's/Commission's area of expertise and knowledge. The Redevelopment Authority, the Police and Fire Commission, the Library Board, and the Board of Review for real estate tax assessment matters, are examples of independent boards. While Council appoints the members to independent boards, the boards then make final determinations on matters under their jurisdiction. A few Boards and Commissions, while not entirely independent, have specific authority to make binding decisions in certain areas, such as the Board of Appeals for zoning matters. Independent Boards and Boards that exercise some authority independently derive their decision-making authority through specific state statutes or city ordinances granting them that authority. Finally, some boards are mixed in nature, acting independently in some circumstances and advisory in others. Certain boards such as the plan commission deal with legislative matters on which they provide advice and also decide upon quasi-judicial matters which are left to their independent determination.

Board and commission actions are generally divided into three (3) categories: Advisory – Legislative, Independent – Legislative, and Hearing and Appeals. These categories either limit the board's or commission's authority, or limit Council or staff's authority on matters before the particular board or commission. See Addendum A to these Rules for a listing of Boards and Commissions for the City of Oshkosh including a summary of their area of jurisdiction and category for actions.

Most Boards and Commissions have city staff assigned to provide support to the Board/Commission. The primary functions of city staff assigned to a board or commission are to provide administrative support to the committee to assure that the work of the Board/Commission is completed in a timely and effective manner and to act as a subject matter resource for the board or commission. Staff liaisons are the primary conduit for members of the Board or Commission to communicate with city staff, the City Manager, and the City Council. Staff liaisons perform a variety of roles, including:

- Serving as the channel of communication between the Board/Commission and other City staff
- Creating and posting meeting notices, preparing minutes, and creating agendas
- Scheduling meetings and booking meeting locations
- Maintaining Board/Commission records
- Coordinating the collection and distribution of information requested by the Board/Commission
- Responding to public records requests pertaining to the Board/Commission
- Offer advice and recommendations in regard to matters coming before the Board/Commission
- Report the Board/Commission concerns and priorities to the Department Head, City Manager and Council
- Facilitate interaction between boards and commissions as appropriate

While the enthusiasm and desire to move forward quickly regarding matters of interest is understandable, Board and Commission members, like the Common Council who are elected at large in the City of Oshkosh, represent the general and best interests of the City of Oshkosh as a whole. This policy, along with other policies and procedures, is intended to assure that the many issues and concerns within the City are prioritized and addressed in a fair, thoughtful, and efficient manner within the means set forth by the City organization, the City's Strategic Plan and allocated in the City's budget.



City staff assigned to Boards and Commissions work for and are responsible to the City as a whole and have other job responsibilities in addition to their work for an individual Board/Commission. Staff are answerable to their Department Heads and the City Manager. It is the responsibility of the City Manager to allocate staff's time and efforts. Just as it is inappropriate for Council to direct work of staff who are under the jurisdiction of the City Manager, it is not appropriate for Boards and Commissions to directly attempt to direct staff work. Boards and Commissions may advise the City Manager and Council on policy priorities, but Boards and Commissions do not determine or assign staff time. Boards and Commissions should consider and set priorities for their agenda items in order that staff may best use the limited time available for Board/Commission business, while still attending to their other job responsibilities.

Although there may be disagreement on any issue, communication to the Council, other Boards/Commissions and to the Public should reflect the decision of the Board/Commission as a whole. When a Board or Commission member is speaking on behalf of the board/commission they should only represent the majority position of the respective Board/Commission. If the member is expressing his/her own personal viewpoint on a particular subject, this should be made clear. Correspondingly, once the Council has established its position as the governing body, Board/Commission members should not act contrary to the established policies and programs adopted by the City Council.

Because of the wide variety of boards and commissions and the wide variety of items and issues that the City may deal with, this policy cannot cover every item or issue with specificity and should be regarded as guidance only. Exceptions may generally be made with the approval of the Council and/or the City Manager. The City reserves the right to comply strictly with this policy, comply with modifications, or to vary from the exact provisions of this policy when the Council or City Manager find it to be in the public interest to do so.

The City of Oshkosh is hopeful that this information will be useful to members of boards and commissions, staff, as well as the public.

## Advisory Boards and Commissions / Advisory Matters

The City of Oshkosh has established various boards and commissions to assist the City Council in the review of matters, to meet statutory requirements, and to provide for the review of actions of staff and appeals from ordinance requirements. While certain matters clearly fall within the jurisdiction of an individual board or commission, other matters may involve review and recommendation or action by more than one board or commission. The City Council adopts the following policy to serve as a general guide for boards and commissions in relation to the agenda process.

### Procedure for general legislative items/issues

Items coming before boards and commissions must be directly related to the purpose or jurisdiction of the board or commission as defined by statute and/or ordinance, or be referred to the board or commission for input from the Council or the City Manager.

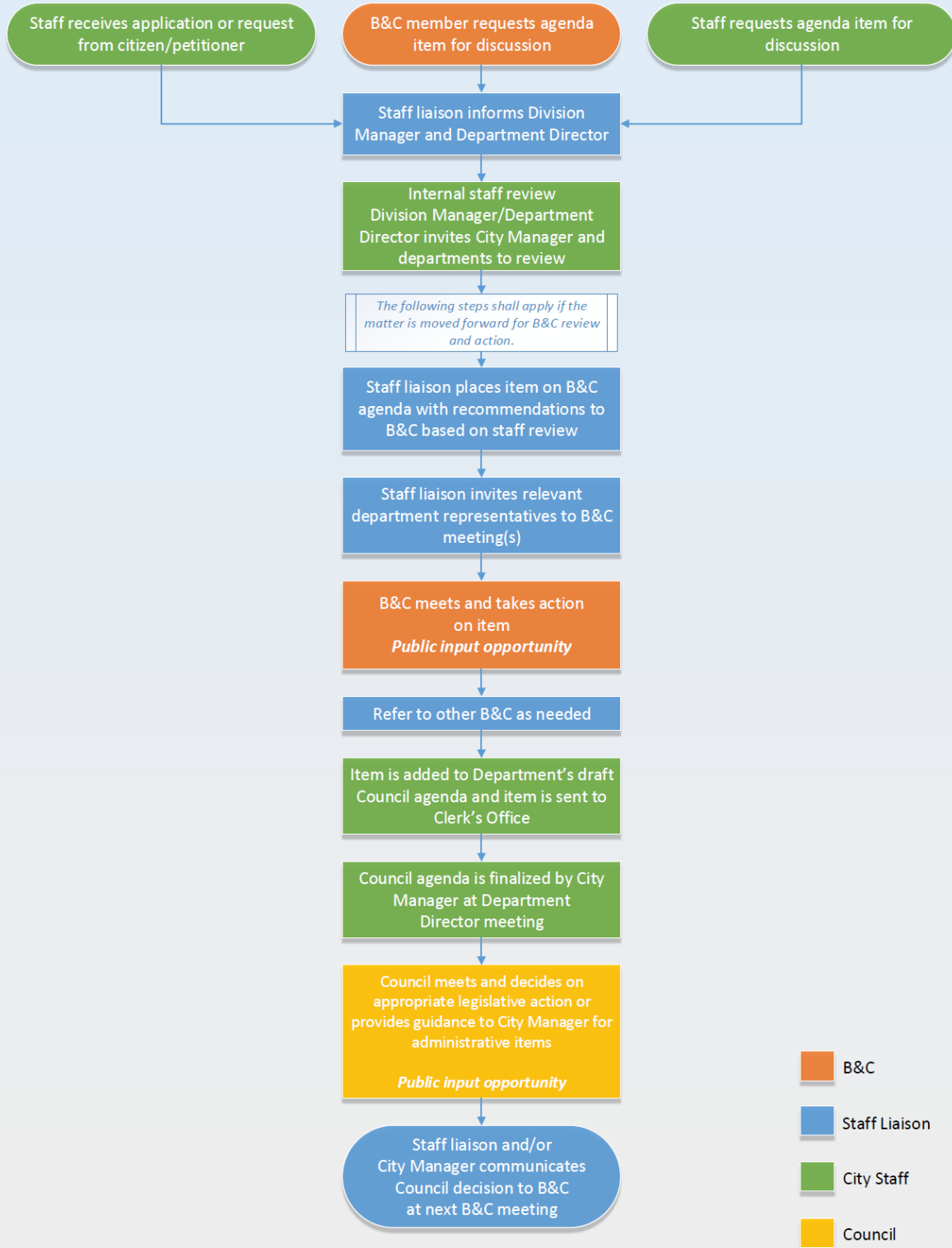
Items will be prioritized based upon urgency of particular circumstances; time commitment required from staff for research, review or drafting; availability of expertise on the particular subject; or any other relevant factor.

Items may be placed on an agenda through application or request from a citizen or petitioner, request from a board or commission member, or be initiated by staff. The staff liaison shall inform his/her Division Manager and/or Department Director who shall make an initial review with regard to jurisdiction and prioritization. If the Division Manager or Department Director determines that the matter may not be suitable for the particular board or commission, may not meet the priorities of the particular board or commission, may require staff time commitment that is unreasonable or unlikely to be available within the contemplated time period, or may require expertise not available on staff or available at a cost not provided for within the budget; the Division Manager or Department Director shall inform the board or commission of the request and determination. The board or commission may by majority vote of its members request the matter to be reviewed by the City Manager. The City Manager may direct the Division Manager or Department Head to proceed with the request and establish a reasonable time for completion, may determine that the decision of the Division Manager or Department Head is correct and that staff time shall not be allotted, or may seek input from Council in relation to the request. The staff liaison to the Board or Commission shall inform the Board of the determination of the City Manager. If the determination of the

City Manager is that staff time shall not be allotted, the Board or Commission may by majority vote of all members request that the matter be presented to the Council by the City Manager, the Council member appointed to the particular board or commission, or by the chair of the board or commission at the next regularly scheduled council meeting or as soon thereafter as is reasonably practicable for discussion and direction to the City Manager.

The following flowchart outlines the general process for staff, board and commission and council review of items.

COUNCIL  
Advisory Boards and Commissions (B&C)  
Council Agenda Process  
DRAFT



## Independent Boards and Commissions and Matters on which Boards and Commissions may act Independently

The City of Oshkosh has established various boards and commissions that act independently in accordance with statutory requirements and for other purposes. The City Council adopts the following policy to serve as a general guide for boards and commissions in relation to matters over which they may have independent jurisdiction under Wisconsin Statutes or by City ordinances in relation to legislative matters. For matters in which the board or commission is acting upon an appeal or application, please see the following section covering those matters.

### *Procedure for general legislative items/issues*

Items coming before boards and commissions must be directly related to the purpose or jurisdiction of the board or commission as defined by statute and/or ordinance or be referred to the board or commission for input from the Council or the City Manager.

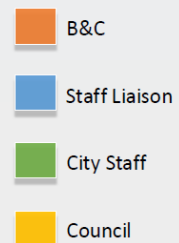
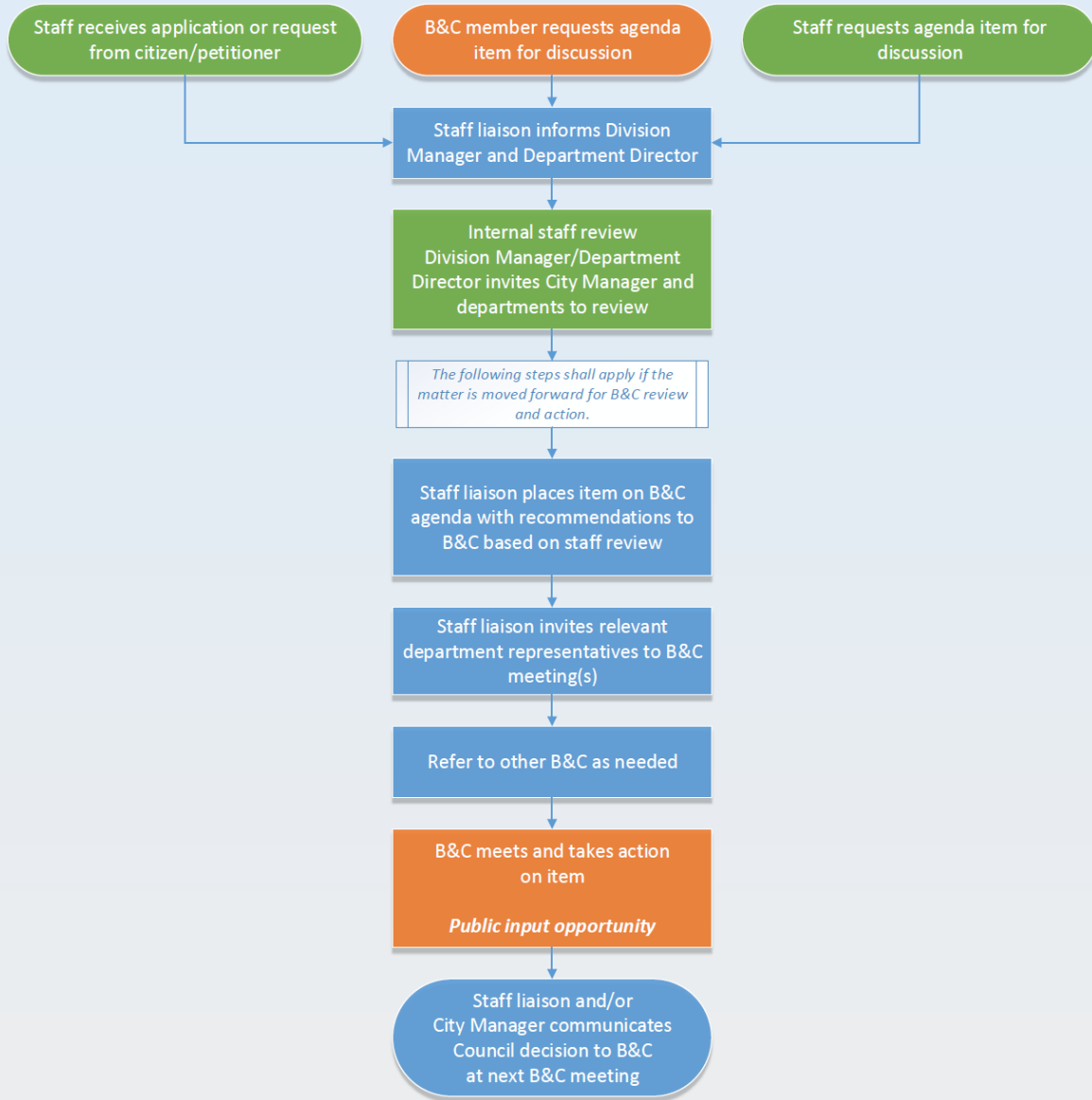
Items will be prioritized based upon urgency of particular circumstances; time commitment required from staff for research, review or drafting; availability of expertise on the particular subject; or any other relevant factor.

Items may be placed on an agenda through application or request from a citizen or petitioner, request from a board or commission member or be initiated by staff. The staff liaison shall inform his/her Division Manager and/or Department Director who shall make an initial review with regard to jurisdiction and prioritization. If the Division Manager or Department Director determines that the matter may not be suitable for the particular board or commission, may not meet the priorities of the particular board or commission, may require staff time commitment that is unreasonable or unlikely to be available within the contemplated time period, or may require expertise not available on staff or available at a cost not provided for within the budget; the Division Manager or Department Director shall inform the board or commission of the request and determination. The board or commission may by majority vote of its members request the matter to be reviewed by the City Manager. The City Manager may direct the Division Manager or Department Head to proceed with the request and establish a reasonable time for completion, may determine that the decision of the Division Manager or Department Head is correct and that staff time shall not be allotted, or may seek input from Council in relation to the request. The staff liaison to the Board or Commission shall

inform the Board of the determination of the City Manager. If the determination of the City Manager is that staff time shall not be allotted, the Board or Commission may by majority vote of all members request that the matter be presented to the Council by the City Manager, the Council member appointed to the particular board or commission, or by the chair of the board or commission at the next regularly scheduled council meeting or as soon thereafter as is reasonably practicable for discussion and direction to the City Manager.

The following flowchart outlines the general process for staff, board and commission and council review of items.

COUNCIL  
Independent Boards and Commissions (B&C) – Legislative Matters  
Council Agenda Process  
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## Quasi –Judicial Boards and Commissions / Hearings and Appeals

The City of Oshkosh has established various boards and commissions to hold hearings on matters required by statute or ordinance and to provide for the review of actions of staff and appeals from ordinance requirements. The City Council adopts the following policy to serve as a general guide for boards and commissions in relation to the agenda process.

### *Procedure for Hearings and Appeals*

Items coming before boards and commissions for a hearing or appeal must be within the jurisdiction of the board or commission as defined by statute and/or ordinance.

Items will be placed on an agenda through application or request from a petitioner. The following flowchart outlines the general process for staff, board and commission and council review of items determined by hearing or appeal.



## Boards and Commissions (B&C) Hearing & Appeals Process

Fair Housing Committee  
Landmarks Commission  
Board of Zoning Appeals  
Board of Review

Staff receives request for hearing or appeal from citizen/petitioner

Staff liaison informs Division Manager and Department Director

Internal staff review  
Division Manager/Department Director invites City Manager and departments to review as necessary to subject matter

*The following steps shall apply if the matter is moved forward for B&C review and action.*

Staff liaison places item on B&C agenda including all information submitted by petitioner/may include staff report and draft findings

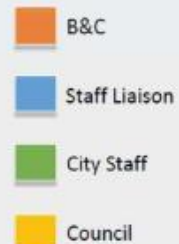
Staff liaison invites relevant department representatives to B&C meeting(s)

B&C meets and takes action on item

*Generally public input will be limited to those having a direct interest in the matter or information directly relevant to the decision to be made*

Council review, if provided by ordinance

Staff liaison and/or City Manager communicates Council decision to B&C at next B&C meeting



## **II. Quorum / Voting Requirements**

A majority of the membership shall constitute a quorum. A lesser number may adjourn. A majority of those present and voting shall be necessary to adopt any motion. Members voting present or abstaining shall not be counted for purposes of determining a quorum or majority voting upon any item. (See section 2-36(J) of the City's Municipal Code).

## **III. Attendance/Excusal from Meetings**

Except in the case of emergency, to be considered an excused absence from a meeting a members of boards or commissions must give notice to the staff person assigned to the board or commission at least 24 hours prior to the meeting's start time. Prior notice allows for notification to alternate members or for cancellation and rescheduling of meetings in those cases where a quorum of members may not be present.

## **IV. Rules pertaining to Conduct of the Meetings/Motions**

The following chart is adopted to govern the most common motions and actions to be taken at board and commission meetings. The Council has chosen not to be strictly governed by Robert's Rules of Order, but where the actions listed below or other provisions of these Rules do not govern a particular issue, the most recent version of Roberts Rules of Order may be used for guidance.

<b>Control of the Agenda</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Withdraw from Agenda <sup>1</sup>	Yes	Yes	No	Majority
Remove Item from Consent Agenda	No	No	No	None
Consider Items out of the Scheduled Order, Change the Agenda Order	Yes	No	No	2/3
Suspend Rules	Yes	No	No	2/3
<b>Taking up Items of Business</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Original Motions (items of business)	Yes	Yes	Yes	Majority
Amend an Original Motion	Yes	Yes	Yes	Majority
Divide the Issue	Yes	No	Yes	Majority
Withdraw Motion (by Proposer, with consent of the Second)	Consent by Second	No	No	None
Layover (Table) until a time certain	Yes	No	No	Majority
Take an item off the Table	Yes	No	No	2/3
<b>Limiting/ Extending or Ending Debate</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Call for the Question (Close Debate) – no objection raised	No	No	No	None
Call for the Question (Close Debate) – objection raised	No	No	No	2/3
Limit or Extend Debate	Yes	No	Yes	2/3

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<sup>1</sup> Administration may withdraw an item from the agenda prior to the meeting convening; after the meeting has convened only the Board or Commission may withdraw items from the agenda.

<sup>2</sup> Unless otherwise indicated majority or super-majority votes are counted as a percentage of the members present and voting

<b>Changing Previous Actions</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Amend Previously Adopted Motion	Yes	Yes	Yes	Majority with Notice; 2/3 without prior Notice
Reconsider (member of the prevailing side may request the body to reconsider its previous action -- must be made during the same meeting or the next succeeding regular meeting)	Yes	Yes	No	Majority
Rescind (repeal/reverse a prior action)	Yes	Yes	Yes	Majority with Notice; 2/3 without prior Notice
<b>Questions / Concerns and Other Issues Outside Substance of Debate</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Point of Order (if rules are not being observed)	No	No	No	Chair Rules
Parliamentary Inquiry (help with parliamentary procedure, how to do something)	No	No	No	Chair provides assistance
Point of Information (to ask a question)	No	No	No	Chair obtains answer
Question of Privilege (some person or thing is interfering with the deliberative process, ie. too noisy, too hot or cold, belligerent person or member)	No	No	No	Chair directs corrective action
Appeal Chair's Decision	Yes	Yes	No	Majority

<sup>2</sup> Unless otherwise indicated majority or super-majority votes are counted as a percentage of the members present and voting

<b>Ending a Meeting</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Adjourn (ends/closes the meeting)	Yes	No	No	Majority
Recess (short break that does not end meeting)	Yes	No	Yes	Majority
<b>Selection of Officers or Temporary Chair, if required</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required<sup>2</sup></b>
Nominations (call 3 times)	No	No	No	None
Close Nominations (by Declaration of Chair or by Motion)	Yes (if by motion)	No	Yes	2/3
Election of Nominees	No	Yes	No	Majority
Reopen Nominations	Yes	No	Yes	Majority
Temporary Selection of Chair in absence or disability of Chair and Vice may be done by selection of the Chair and Consent of Board				

<sup>2</sup> Unless otherwise indicated majority or super-majority votes are counted as a percentage of the members present and voting

*Motions.* No motion requiring a second shall be discussed or acted upon unless and until it has received a second. Motions may be withdrawn by the person making the same, if the motion has received a second, then the person seconding the motion must also consent to the withdrawal of the motion. Motions may only be amended by another motion and second (There shall be no “friendly amendments” to motions) or by withdrawal of the motion and a new motion made.

*Actions/Motions in Order during Debate.* When a question is under debate, no other action or motion shall be in order, except:

- 1) Questions/Concerns and Other Issues Outside the Substance of Debate as identified within the table above;
- 2) To recess;
- 3) To adjourn;
- 4) To lay the matter over to a specific date or to be returned to the Committee upon the occurrence of a specific event;
- 5) To Call the Question;
- 6) To Divide the Issue;
- 7) To Amend; or
- 8) To withdraw the motion

The items listed above shall have precedence in the order in which they are listed.

*Vote Change.* A member shall only be permitted to change his/her vote upon a matter at the time their name is called by the secretary and no member shall be permitted to change his/her vote on a matter once a succeeding member has cast his/her vote.

*Abstentions / Voting Present.* In the event that a board or commission member declines to vote, that member shall not be counted toward the number present and shall not have their vote counted as either “aye” or “no” in relation to the matter. If a member’s declining to vote causes the board or commission to fall below a quorum voting on the matter, the board or staff may ask the applicant if they wish to have the matter scheduled for consideration at the next meeting of the board or commission when a quorum may be present or if the applicant wishes to have the matter forwarded to council without recommendation. Staff shall consider the wishes of the applicant, any statutory or ordinance time limits and any other considerations or limitations with respect to the particular matter in determining whether to reschedule the matter before the board or commission for further

consideration, forward the matter to Council or take other action as may be appropriate with regard to the matter.

*Motions to Lay Over shall include Date or Time Frame for Action.* Motions to lay over shall include a specific date to be returned to the body or shall require return upon a specific occurrence within a specified time frame. If the occurrence shall not happen within the specified time frame, the staff person assigned to the board or commission shall notify the board or commission at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. When considering motions to lay over, the board or commission shall consider the wishes of the applicant, any statutory or ordinance time limits and any other considerations or limitations with respect to the particular matter as may be appropriate.

*Reconsideration.* Except as action may have already been taken in reliance upon the prior approval/disapproval of an item, any member who voted with the prevailing side on any question may move for reconsideration of a vote at the same meeting or at the next succeeding regular meeting of the board or commission by notifying the staff person assigned to the board or commission of the member's request to have the reconsideration included on the Agenda for the next succeeding regular meeting. A motion to reconsider having been put and lost shall not be renewed by the same or any other member.

*Termination of Debate / Calling the Question.* Any member wishing to terminate debate may move the previous question (call the question). The presiding officer shall ask whether there is any objection to calling the question. If no objection is voiced, then the secretary shall record unanimous consent to terminate the debate. If an objection is voiced, a roll call vote shall be taken and 2/3 of members present shall be required to terminate the debate. If debate is terminated, the question, including any pending amendments, shall be taken without further debate.

*Use of Unanimous Consent.* Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Chair or Temporary Chair when there shall be only one member put forward for election.

*Suspension of the Rules.* Boards and commissions shall not be permitted to suspend any rule adopted by the Council and applicable to the board or commission. A vote of two-thirds of the members present may suspend the order of business or any rule adopted by the board or commission.

## **V. Rules pertaining to Individuals addressing Boards and Commissions**

Boards and Commissions may make such rules pertaining to individuals addressing matters coming before the board or commission or to individuals making general statements to the board or commission as the members thereof may determine.

The public may, as an alternative to appearance in person, submit written comments. Written comments for Board and Commission meetings may be sent via mail addressed to the appropriate Board or Commission, placed in the City Hall dropbox, or sent by email prior to the scheduled meeting to the Board or Commission. Contact information for Boards and Commissions is available on the City website: [www.oshkoshwi.gov](http://www.oshkoshwi.gov)

Written comments will be distributed to the Board/Commission and made part of the public record of the meeting.

Persons requiring reasonable accommodations to any of these rules may contact the staff liaison for the Board or Commission who shall work with the individual to provide appropriate accommodation as necessary. Persons requesting accommodation under this paragraph must submit such request in advance of the meeting. Requests can best be accommodated if submitted at least 5 business days in advance of the scheduled meeting.



## VI. Rules of Decorum

### A. Adoption of Civility Pledge.

All participants in city meetings shall conduct themselves according to the Civility Pledge adopted by the Council on June 14, 2011 by Resolution 11-270.

- **Pay Attention** - Be Aware of Others & Sensitive to the Immediate Context of Actions
- **Listen Closely** - Understand Other Points of View
- **Be Inclusive** - Welcome All; Don't Exclude Anyone
- **Don't Gossip** - Remind Others of the Importance of this Practice
- **Show Respect** - Honor Others (Especially in Disagreement)
- **Be Agreeable** - Find Opportunities to Agree
- **Apologize Sincerely** - Repair Damaged Relationships
- **Give Constructive Comments, Suggestions & Feedback** - No Personal Attacks (Focus on Issues)
- **Accept Responsibility** - Don't Shift Blame; Share Disagreements Publicly

### B. General Rule of Decorum.

No person shall personally attack a council member, board or commission member, city official, city employee or any other person. For purposes of this section personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance. No person shall make irrelevant, unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting, including handclapping, stomping of feet, whistling, shouting or other demonstrations. Any person violating this provision shall be called to order by the Presiding Officer. If the conduct continues, the Presiding Officer may order the person removed and the Board or Commission may make a fact finding whether such behavior was outside the scope and content of the rules and, if applicable, whether the behavior was of a character to cause a breach of the peace.

JUNE 14, 2011

11-270

RESOLUTION

(CARRIED 7-0 LOST \_\_\_\_\_ LAID OVER \_\_\_\_\_ WITHDRAWN \_\_\_\_\_)

PURPOSE: EXPRESSING COUNCIL'S SUPPORT FOR THE OSHKOSH CIVILITY PROJECT AND ENDORSING THE OSHKOSH CIVILITY PLEDGE

INITIATED BY: CITY ADMINISTRATION

WHEREAS, the Oshkosh Civility Project has been created by a group of community leaders as follows: the Oshkosh Area Community Foundation; the University of Wisconsin-Oshkosh; the Oshkosh Northwestern; Oshkosh Area United Way; Oshkosh Public Library; Oshkosh Area School District; and the Oshkosh Chamber of Commerce; and

WHEREAS, the leaders of the Oshkosh Civility Project have asked other community leaders to ceremonially endorse the Oshkosh Civility Pledge; and

WHEREAS, individual members of the Oshkosh Common Council and city management have participated in discussions to improve our community through a dedication to the principles of civility; and

WHEREAS, the Oshkosh Civility Project seeks the formal endorsement of the City of Oshkosh in the Oshkosh Civility Project;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oshkosh:

1. That the Oshkosh Common Council endorses the Oshkosh Civility Pledge, which states as follows: We built a stronger and more diverse community by actively sharing our ideas and opinions with others in thoughtful and considerate ways. By practicing this basic commitment to civility, we learn and grow from one another – even in disagreement.
2. That the Council will endorse and put into practice the identified skills by the Oshkosh Civility Project that are designed to promote civility.
3. That the Council will, through its actions, endorse these principles and skills by following these basic rules of decorum at Council Meetings and encourage the public to practice these principles in matters coming before the Oshkosh Common Council.

**PAY  
ATTEN-  
TION**

Be **aware** and  
attend to the world and  
the people around you.

**Listen**



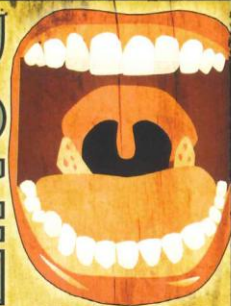
FOCUS ON OTHERS IN ORDER  
TO BETTER **UNDERSTAND**  
THEIR POINTS OF VIEW.



**BE  
INCLUSIVE**

Welcome all groups of citizens working for  
the **GREATER GOOD** of the community.

**DON'T  
GOSSIP**



And don't **accept** when  
others choose to do so.

**Show  
Respect**



Honor other people and  
their opinions, especially in the  
midst of a disagreement.

LOOK FOR  
**OPPORTUNITIES**  
TO **AGREE.**  
DON'T CONTRADICT  
JUST TO DO SO.



**BE  
AGREE-  
ABLE**

**apologize**

Be **sincere** and repair  
damaged relationships.

**GIVE  
constructive  
criticism**



WHEN DISAGREEING,  
STICK TO THE ISSUES AND  
DON'T MAKE A PERSONAL ATTACK.



Don't shift  
responsibility  
and blame  
onto others;  
**share**  
disagreements  
publicly.

**TAKE  
RESPON-  
SIBILITY**

It's not what you say.  
It's how you say it.

**OshkoshCivilityProject.org**  
OshkoshCivilityProject@gmail.com

**Speak  
your  
Peace**

The **Oshkosh Civility** Project

The Oshkosh Civility Project is a community-based effort to encourage better practices of interpersonal communication. It is modeled after a campaign originated by the Duluth-Superior Area Community Foundation based on Choosing Civility by P.M. Forni. The Project is sponsored by the Oshkosh Area Community Foundation, the University of Wisconsin Oshkosh and The Oshkosh Northwestern.

## SAMPLE MOTIONS

### MOTION TO ADOPT A RESOLUTION OR ITEM

I MOVE TO ADOPT ....

I MOVE TO APPROVE ...

(ALWAYS MAKE THE MOTION IN THE AFFIRMATIVE)

### MOTION TO SEPARATE ITEMS

MOVE TO DIVIDE THE ISSUE TO MAKE (ITEM) A AND THE REMAINING (ITEMS) B

### MOTION TO AMEND A MOTION ON THE FLOOR

MOVE TO AMEND TO \_\_\_\_\_

MOVE TO AMEND BY STRIKING OUT \_\_\_\_\_

MOVE TO AMEND BY INSERTING \_\_\_\_\_

MOVE TO AMEND BY STRIKING OUT \_\_\_\_\_ AND INSERTING \_\_\_\_\_

MOVE TO AMEND BY ADDING \_\_\_\_\_

MOVE TO AMEND BY DELETING \_\_\_\_\_

NOTE: THIS MOTION CAN ALSO BE USED TO AMEND AN AMENDMENT  
IT MAY HELP TO ALSO STATE THE INTENTION OF THE AMENDMENT TO  
MAKE IT CLEAR WHAT IS BEING VOTED UPON

### MOTION TO RECONSIDER AN ACTION AFTER FINAL VOTE

MOVE TO RECONSIDER ITEM #

NOTE: THIS MOTION MUST BE MADE AT THE MEETING THE ACTION WAS  
TAKEN OR AT THE NEXT SUCCESSIVE MEETING, AND MUST BE  
MADE BY A MEMBER WHO VOTED WITH THE MAJORITY

## Controlling Public or Members in Violation of Rules of Decorum

If any member of the body believes that there is a violation of Board and Commission Rules, the member may request that the Chair stop the speaker. The Chair may also do this independently.

A suggested approach for dealing with persons who may be out of order:

Give 2 warnings.

"Mr. X, your time is up (or identify other violation of the rules), please take your seat."

"Mr. X, please take your seat."

Chair rules that the person is violating rules and is out of order.

"Mr. X you are in violation of the rules. You need to stop and take your seat"

If speaker continues -- you should assess the situation, some may be resolved fairly easily, others may require staff assistance or even that the police be called:

- a. Ask a staff member to take the person from the room and assist them - "(staff member) \_\_\_\_\_ may we have your assistance, can you please take Mr. X outside the meeting and assist him with his further questions. "
- b. Chair may call a break – "I am going to call a break at this time, the (board or commission) will reconvene in 5 minutes."  
Take break – turn off cameras – work with staff to calm the person and escort them from the room or call for a police officer, if necessary.

2 members may appeal any decision of the Chair, second is required & majority vote.

Boards and Commissions may, but are not required to, formalize the finding of disruption and removal:

I move to make a finding that \_\_\_\_\_'s behavior disrupted the meeting (you may insert specific findings -- failed to follow the rules after being called to order by the Chair, repeatedly failed to come to order, yelled, was obscene, etc...); \_\_\_\_\_'s conduct was outside the scope of our rules and was a breach of the peace. (second, vote).

CITY OF OSHKOSH  
ORGANIZATIONAL  
CHART





# City of Oshkosh Table of Organization

**Vision** – A thriving and sustainable community offering abundant opportunities for work and life

**Mission** – The City of Oshkosh provides goods and services in pursuit of a safe and vibrant community

## Guiding Principles

**Can Do Spirit** – Serve the Customer with a Confident Can-Do-Spirit

**Accountable** – Hold Ourselves to the Highest Standards with a Dedication to Preserving the Public Trust

**Transparent** – Provide the Customer with Information on Our Action and Decisions

**Engaging** – Actively Pursue Customer Involvement Throughout the Decision Making Process

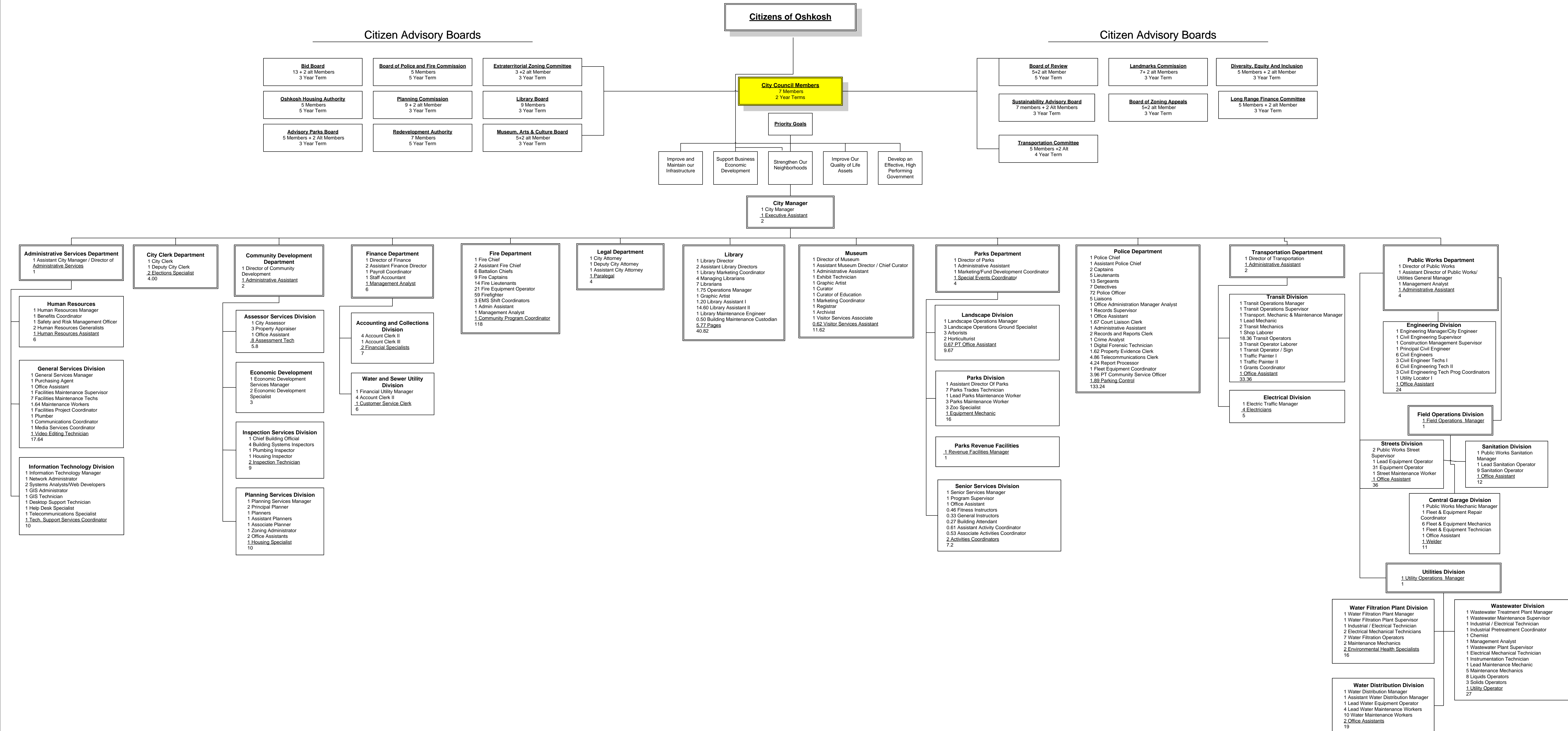
**Economical** – Act in a Fiscally Responsible Manner on Behalf of Our Customers

**Responsive** – Respond to Customers' Requests Equitably and Fairly in a Timely, Informative and Through Manner

**Innovative** – Take a Prudent and Creative Approach to Problem Solving

**Equitable** – Strive to Achieve Equity in the Allocation of Community Resources

**Inclusive** – Foster Environments that Welcome Individual or Group Differences, in order to Promote Dignity, Respect, and Opportunity for All People



## **PURPOSE AND INTERRELATIONSHIP OF COUNCIL, STAFF, BOARDS AND COMMISSIONS, AND OTHER RESOURCES**

*City Council:* The City Council is the Legislative body for the City. The Council makes policy for the City of Oshkosh through the adoption of resolutions and ordinances within the authority granted to municipalities through the Wisconsin Legislature and Home Rule provisions of the Wisconsin State Constitution. The Council sets overall policy for the City of Oshkosh including through the adoption of various plans, such as the City's strategic plan and comprehensive zoning plan. The Council also adopts the City's operational and capital improvements budgets and adopts city regulations for enforcement by ordinance and the City Municipal Code. The City Council also issues certain licenses and permits and conducts quasi-judicial hearings in relation to license or permit issuance, renewals and revocations as necessary.

*City Manager:* The City Manager is the chief executive for the City of Oshkosh and is responsible for the day to day operation of the city and direction to departments and city staff.

*City Staff:* perform the daily operations of the City under the direction of the City Manager. Staff provide the Common Council and other boards and commissions with interpretations, recommendations, and professional advice regarding the advisability of proposals brought before the City decision makers and carry out enforcement of various codes and provisions.



## City of Oshkosh Boards and Commissions

<b>Name</b>	<b>Statute Ref.</b>	<b>Ord. Ref.</b>	<b>Liaison</b>	<b>Frequency of Meeting</b>
Advisory Park Board	None	2-51	Parks Director	Monthly
BID Board	66.1109	2-38	Director of Comm. Development	Monthly
Board of Appeals	62.23(7)(e)	2-59	Director of Comm. Development	Monthly
Board of Public Works	62.14	2-55	City Manager	
Board of Review	70.46	2-56	City Clerk/City Attorney	Yearly; varies based on objections
Diversity, Equity and Inclusion Committee	None	2-41	Director of Administrative Services	Monthly
Fair Housing Commission	106.50	2-43	Director of Comm. Development	As needed
Landmarks Commission	62.27(7)(em)	2-48	Museum Director	Monthly
Library Board	Chapter 43	2-49	Library Director	Monthly
Long Range Finance Committee	None	2-44	Director of Finance	Monthly
Housing Authority Board	66.1201-66.1211	None	Executive Director of the Oshkosh /Winnebago County Housing Authority	Monthly
Plan Commission	62.23	2-52	Director of Comm. Development	Twice Monthly
Extraterritorial Zoning Committee	62.23(7a)(c)	2-52.1	Director of Comm. Development	As needed

<b>Name</b>	<b>Statute Ref.</b>	<b>Ord or Ref</b>	<b>Liaison</b>	<b>Frequency of Meeting</b>
Board of Police & Fire Commissioners	62.13	2-53	Director of Administrative Services	Monthly
Public Museum, Arts and Culture Board	None	2-54	Museum Director	Monthly
Redevelopment Authority	66.1333	Res 03-65	Director of Comm. Development	Every other Month
Sustainability Advisory Board	None	2-42	Director of Comm. Development	Monthly
Transportation Committee		2-57	Director of Transportation	Monthly

## **BID BOARD**

Ordinance Reference: 2-38

Statutory Reference: 66.1109 Wis. Stats.  
(Mandatory if a BID District is created)

Membership: 13 members

By Statute – membership must be at least 5 members and a majority of the membership must own or occupy real property in the BID district

By Ordinance -- Membership shall be of the category necessary to ensure Board representation stipulated by the annual operating plan

Terms: 3 year terms

Staff Liaison: Director of Community Development

Meets: Monthly

Purpose and Duties:

### Duties and Responsibilities

The Board shall develop and implement an annual operating plan for the BID.

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## DIVERSITY, EQUITY AND INCLUSION COMMITTEE

Ordinance Reference: 2-41

Statutory Reference: None

Membership: 5 members - one of whom is a City Council member (up to 2 members may be non-residents)

Due consideration shall be given to ensuring membership reflects the gender, racial, LGBTQ, and ethnic characteristics of the Oshkosh community.

Terms: 3 year terms for citizen members, 1 year term for Council member

Staff Liaison: Director of Administrative Services

Meets: Monthly

### Purpose and Duties:

#### Responsibility

The Diversity, Equity, and Inclusion Committee shall act as an advisory body to the City Manager and Common Council in providing comment and support regarding appropriate strategies to develop activities, resources, and services that promote a positive community environment of equity and inclusion, and celebrate the diverse identities of the City of Oshkosh.

#### Support

The City of Oshkosh shall provide annual membership in and resources from the Government Alliance on Race and Equity and/or other comparable organizations.

#### Duties

- (1) Serve as a resource, recommend goals, and advise the City Manager and Common Council on existing and / or proposed city ordinances, program development and actions, as well as best practices for health, housing and economic mobility, to promote community equity and inclusion for all who live, work, and learn in a diverse Oshkosh.
  - (2) Facilitate input from all geographic areas of Oshkosh, a broad spectrum of residents, business leaders, students, and employees from diverse circumstances, to advance the benefits of community diversity, equity, and inclusion.
-

- (3) To educate the public about diversity, equity, and inclusion. The committee will implement a public education plan, and actively plan, sponsor, and participate in events that promote and celebrate diversity.
  - (4) Within one (1) year of creation, report to the City Manager and Common Council on goals of the committee and identify (a) 5 – 7 equity performance measures for each city department developed by each department, and approved by the Committee (b) additional resources necessary to achieve said goals, (c) information relative to community diversity, equity and inclusion to share with the general public and underserved populations, and (d) best practices of community diversity, equity and inclusion for health, housing and economic mobility that the city may consider adopting. Thereafter, the Committee shall annually report to the City Manager and Common Council on specific progress on, and future goals tied to, department-level equity performance metrics. Progress on all performance metrics shall be reported in the annual city budget as part of the regular budget process, and be maintained on a dedicated city website.
-

## SUSTAINABILITY ADVISORY BOARD

Ordinance Reference:	2-42
Statutory Reference:	None
Membership:	7 members – one of whom shall be a Council member
Terms:	3 year terms; 1 year term for Council member
Staff Liaison:	Director of Community Development
Meets:	Monthly

### Purpose and Duties:

#### Responsibility

The Sustainability Advisory Board is charged with the responsibility of advising the City Manager and Common Council on sustainability issues affecting municipal operations and the community at large.

#### Duties

- (1) Promote sustainability in the community.
  - (2) Advise the City Manager and Common Council on existing and proposed City Ordinances and actions and State and Federal regulations pertaining to sustainability.
  - (3) Facilitate citizen and agency input pertaining to sustainability.
  - (4) Collaborate in the development and monitor implementation of a Community Sustainability Plan.
-

## FAIR HOUSING COMMISSION

Ordinance Reference: 2-43, 16-7  
Statutory Reference: 106.50 Wis. Stats.  
Membership: 5 members  
Terms: 3 year terms  
Staff Liaison: Director of Community Development  
Meets: As needed

### Purpose and Duties:

The Fair Housing Commission shall have the following powers and duties:

- (A) Adopt Rules  
To adopt, amend, publish and rescind rules for governing its meetings and hearings;
  - (B) Receive and Investigate Complaints  
To receive complaints and review staff investigation of all complaints alleging any discriminatory practice prohibited by this Division.
  - (C) Hearings  
To hold hearings, if necessary, after efforts at settlement based on complaints made against any person, to administer oaths and take testimony, to compel the production of books, papers and other documents relating to any matter involved in the complaint, and to subpoena witnesses and compel their attendance.
  - (D) Refer Disputes to Appropriate Entity for Resolution  
Refer complaints to the City Attorney or to other appropriate entities to the purpose of reaching a resolution of the issues raised in the complaint.
-

## LONG RANGE FINANCE COMMITTEE

Ordinance Reference: 2-44  
Statutory Reference: None  
Membership: 5 members, 1 of whom shall be a Council member  
Terms: 3 year terms for citizen members, 1 year term for Council member  
Staff Liaison: Director of Finance  
Meets: Monthly

### Purpose and Duties:

#### Purpose, Duties and Functions

The Long Range Finance Committee shall have the responsibility to advise the Common Council on policy issues related to the City's finances including areas such as policy development, communications, and the impact of state legislation.

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## LANDMARKS COMMISSION

Ordinance Reference: 2-48

Statutory Reference: §62.23(7)(em) Wis. Stats.

(An ordinance is mandatory if a City has landmarked property, the City may create a Commission to administer ordinance)

Membership: 7 members, 1 of whom shall be a Council member  
Non-voting Ex officio member – Paine Art Center Director or designee

Terms: 3 year terms for citizen members, 1 year term for Council member

Staff Liaison: Director of Public Museum

Meets: Monthly

### Purpose and Duties:

- (1) Shall recommend to the City Council those historic sites, structures, and districts which are of sufficient significance to be classified as landmarks and the criteria under which these were developed.
  - (2) May receive and expend funds for the benefit of protecting, supporting or promoting the City's historic, architectural and cultural heritage.
  - (3) Shall report to the Oshkosh City Council as requested to review its work program and expenditures.
  - (4) Shall foster the protection, enhancement, and perpetuation of historic improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
  - (5) Shall safeguard and foster civic pride in the City's historic and cultural heritage as embodied and reflected in landmarks and historic districts.
  - (6) Shall cooperate with the City administration to provide information on historic resources to be used to comply with relevant State laws.
  - (7) Shall implement and regulate the provisions of Article XIV, of Chapter 30 of this Code, Historic Preservation. [Statutory Reference §62.23(7) (me) Wis. Stats.]
  - (8) Advise and assist the City Administration and Common Council concerning capital improvements proposed for the Grand Opera House that may impact the historical significance of the facility.
-

- (9) Provide recommendations to the Common Council on the use of proceeds from donations made to the City and deposited with the City Treasurer into a special fund for purposes of supporting, adding to, or improving the Grand Opera House. All expenditures from said fund shall be solely for the purpose of adding to or improving the Grand Opera House, and shall be spent solely with the approval of the Oshkosh City Council.
-

## LIBRARY BOARD

Ordinance Reference:	2-49
Statutory Reference:	Chapter 43, Wisconsin Statutes (Mandatory if a City has a Municipal Library)
Membership:	9 members + Superintendent of Schools + up to 5 additional members appointed by the County; not more than 2 members may be town residents
Terms:	3 year terms for citizen members
Staff Liaison:	Library Director
Meets:	Monthly

### Purpose and Duties:

#### (A) Duties and Powers

The Library Board supervises the administration of the Library. The Library Board establishes all policies governing the management and operation of the Library and the Board has the power to contract for the extension of Library Services. [Wisconsin Statutes Section 43.52 and 43.58]

#### (B) Employees

The Library Board shall appoint a librarian, who shall appoint such other assistants and employees as the Library Board deems necessary, and who prescribes their duties and compensation. [Wisconsin Statutes Section 43.58]

#### (C) Budget

The Library Board shall have exclusive control of the expenditure of all moneys collected, donated, or appropriated for the Library Fund, and of the purchase of a site and the erection of Library Buildings whenever authorized. The Library Board also shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality for library purposes. [Statutory Reference Chapter 43, Wis. Stats.]

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## ADVISORY PARK BOARD

Ordinance Reference: 2-51  
Statutory Reference: None  
Membership: 5 members, 1 of whom shall be a Council member  
Terms: 3 year terms for citizen members, 1 year term for Council member  
Staff Liaison: Parks Director  
Meets: Monthly

### Purpose and Duties:

#### Functions

The Advisory Park Board is empowered and directed to:

- (1) Advise and assist the City Parks Director, City Administration, Common Council, and Planning Commission in planning and developing the Oshkosh Park System to include parks, open spaces, forestry, municipal cemeteries, waterways, and other related areas.
- (2) Participate in the development of the Parks Capital Improvement Program and annually recommend priorities.

#### Coordination of the Advisory Park Board with other Governmental Units

Prior to acting on the Park Capital Improvements Budget or any Park Acquisition or sale the Common Council and Planning Commission shall obtain an advisory review from the Park Board.

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## PLAN COMMISSION

Ordinance Reference:	2-52
Statutory Reference:	§62.23 Wis. Stats (Sections of the statutes contain mandatory duties therefore as a practical matter a mandatory commission)
Membership:	9 members, 1 member shall be a Council member Citizen members shall be persons of recognized experience and qualifications.
Terms:	3 year terms for citizen members, 1 year term for Council member
Staff Liaison:	Director of Community Development
Meets:	Twice Monthly

### Purpose and Duties:

#### Functions and Duties

The functions and duties of the Commission shall be as prescribed in Chapter 30 of the Municipal Code and in Section 62.23 of the Wisconsin Statutes.

## EXTRATERRITORIAL ZONING COMMITTEE

Ordinance Reference:	2-52.1
Statutory Reference:	§62.23(7a)(c) Wis. Stats (If a City exercises extraterritorial zoning then you must have an extraterritorial zoning committee)
Membership:	3 citizen members of plan commission + 2 alternate citizen members
Terms:	coextensive with plan commission membership
Staff Liaison:	Director of Community Development
Meets:	As needed

### Purpose and Duties:

The functions and duties of the Extraterritorial Zoning Committee shall be as prescribed in Chapter 30 of this Code and in Section 62.23(7a) of the Wisconsin Statutes as it relates to the Town of Algoma. [Statutory Reference §62.23(7a)(c) Wis. Stats.]

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## BOARD OF POLICE AND FIRE COMMISSIONERS

Ordinance Reference: 2-53  
Statutory Reference: §62.13 Wis. Stats  
(Mandatory)  
Membership: 5 members  
Terms: 5 year terms  
Staff Liaison: Director of Administrative Services  
Meets: Monthly

### Purpose and Duties:

The Board shall have such functions and duties as are prescribed by the Wisconsin Statutes, particularly section 62.13 thereof.

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## OSHKOSH MUSEUM, ARTS AND CULTURE BOARD

Ordinance Reference: 2-54  
Statutory Reference: None  
Membership: 5 members – one of whom shall be a Council member  
Terms: 3 year terms for citizen members; 1-year term for Council member  
Staff Liaison: Museum Director  
Meets: Monthly

### Purpose and Duties:

#### (B) Duties and Responsibilities Pertaining to the Oshkosh Public Museum

##### (1) General Powers

The Board shall have power to manage, control, and operate the Museum through the establishment of strategic and other plans and the setting of policies related to the care, maintenance and acquisition/disposal of the Museum and Museum property including appurtenances, fixtures, furniture and items within exhibits or collections, where such policies are not inconsistent with the ordinances and policies of the City of Oshkosh.

##### (2) Acquisition, Disposition, Care and Management of Property

The Board shall have power to accept all gifts, donations, bequests, grants, and devises of or to direct the purchase of property, both real and personal with funds budgeted for such purposes or with donated funds, for the enrichment and improvement of the Museum collections and properties, provided, however, that, before accepting grants, devises, or gifts of or otherwise acquiring real estate, such acquisition of real estate must be approved by the Common Council. All books, specimens and other personal property within the museum collections shall be under the care, management and control of the Board who may provide for the disposition of such property in accordance with policies which the Board may adopt.

##### (3) Employees

The Board shall recommend a Director to be appointed by the City Manager to be the chief executive officer exercising all executive and administrative authority for the Oshkosh Public Museum. Other employees may be employed as deemed necessary for the proper operation, management, and functioning of the Museum as authorized within the City's organizational chart and current city budget. The compensation for the Director and all employees shall be included in the budget submitted to the City Manager

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and presented to the Common Council for approval.

(4) Approval of Annual Budget / Appropriated Funding

The Board shall annually review the budget for the Museum to be submitted to the City Manager for review and submittal to the Common Council for approval. Funds appropriated to the Museum by the Common Council shall be used for the purposes appropriated and shall not be used for any purpose other than for the operation, care and maintenance of the Museum.

(5) Other Revenue

The Board shall have the power to derive additional revenues in proper legal ways which the members shall from time to time agree upon, to be expended at the direction of the Museum Board for Museum purposes.

(6) Trust Funds, Monetary Gifts and Contributions

The City Treasurer shall set up accounts on the books as appropriate, for the purpose of supporting the Oshkosh Public Museum. All gifts or contributions, or the proceeds therefrom in the form of money shall be deposited by the Museum Board with the City Treasurer and shall be credited to such funds.

The Board shall have control over the expenditure of all money devised, bequeathed, given or granted to, or otherwise acquired by the Museum and/or the City for Museum purposes. All expenditures from said funds shall be made in accordance with the intent of the donors and in accordance with the provisions of any trust document or other instrument of gift and made solely for the purpose of adding to or improving the various collections and exhibits or for the care, maintenance or improvement of the Museum or Museum property. All disbursements from such funds, unless otherwise provided by the donor, shall be made solely at the discretion of the Museum Board without further approval required.

Bonds or securities devised, bequeathed, given or granted to the Museum shall be invested in accordance with municipal statutes governing the investment of public funds or may be converted to cash as deemed appropriate by the Director of Finance.

The Museum Board shall have management and control over investments but such trusts or similar funds established for the benefit of the Museum

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shall be invested in accordance with the laws, rules and policies governing the investment of public funds.

(7) Expenditures

Expenditures shall be made consistent with the approved budget and with City ordinances and City and Museum policies. Capital Expenditures shall require Council approval.

(8) Code of Ethics

The relations between the Museum and the public, between museums, between the Director and the Museum Board, between the Director and other museum employees, between other museum employees and the Director, and between museum employees shall be governed in all respects where possible and practicable by the Code of Ethics of the American Alliance of Museums, and it shall be the further duty of the Museum Board to enforce said code whenever need for such enforcement is called to its attention.

(C) Duties Pertaining to Public Art and Art in Public Places

(1) Terms Defined

a) *Public Art*. The term “Public Art” or “Art in Public Place” means any Work of Art

acquired by the City and displayed on city-owned property in an area open or viewable by the public, on the exterior of city-owned facility, or on non-City property open to or viewable by the public if the artwork is installed or financed, in whole or in part, with City funds or grants procured by the City, or if the artwork is owned by, donated to, or on loan to the City.

b) *Work of Art*. The term “Work of Art” means any application of skill and taste to the production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, tapestries, photographs, drawings and ceramics, but excluding purely structural or supportive elements, advertising, or those required by applicable law, code, rule or regulation.

(2) Purpose, Duties, and Functions.

The Museum, Arts and Culture Board shall have the responsibility to:

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- a)* Promote Public Art in the community.
    - b)* Advise the City Manager, Common Council and appropriate boards and commissions on matters pertaining to Public Art and art in public places and the planning and development of policies and projects for Public Art.
    - c)* Advise the Common Council on Gifts or donations of Public Art pursuant to the City of Oshkosh Gifts and Donations Policy.
    - d)* Receive and expend funds for the benefit of protecting, supporting or promoting Public Art
  - (D) The provisions of this section are not intended to supersede collections governed by policies of the Oshkosh Public Museum or Oshkosh Public Library.
-

## **BOARD OF PUBLIC WORKS**

Ordinance Reference: 2-55  
Statutory Reference: §62.14, 64.10(2) Wis. Stats.  
(Mandatory)  
Membership: 1 member – City Manager  
Terms:  
Staff Liaison:  
Meets: As needed

### **Purpose and Duties:**

The duties of the Board of Public Works as set forth in the Wisconsin Statutes, particularly Section 62.14 thereof, shall be exercised by the City Manager.

## BOARD OF REVIEW

Ordinance Reference: 2-56  
Statutory Reference: §70.46 Wis. Stats  
(Mandatory)  
Membership: 5 members  
Terms: 5 year terms  
Staff Liaison: City Clerk / City Attorney  
Meets: Organization meeting in May, as needed for hearings thereafter until  
hearings are concluded

### Purpose and Duties:

#### Functions and Duties

The Board shall have such functions and duties as are prescribed by the Wisconsin Statutes, particularly Section 70.45 and Section 70.47 thereof.

Notwithstanding section 2-36(I), each member of the Board of Review shall receive compensation in the amount to be established from time to time by resolution of the Common Council for attendance at training sessions; attendance for hearings and other matters when the Board of Review is in session, including breaks as may be provided; and for time spent in review of a transcript, recording and/or summary of evidence as provided in section 70.47(9) of the Wisconsin Statutes, as may be required for a determination by a quorum of the Board.

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## TRANSPORTATION COMMITTEE

Ordinance Reference: 2-57  
Statutory Reference: None  
Membership: 5 members, 1 of whom shall be a Council member  
Terms: 3 year terms for citizen members, 1 year term for Council member  
Staff Liaison: Director of Transportation  
Meets: Monthly

### Purpose and Duties:

#### (A) Functions and Duties

- (1) Traffic. The Committee shall study and recommend to the Common Council on all matters involving vehicular traffic, intersectional traffic flow, speed limits, pedestrian right of ways, crosswalks, bus stops, school zones, and bicycle lanes.
  - (2) Parking in General.
    - (a) Advise City staff and the Common Council with respect to the goals and objectives of public parking in the City, as it pertains to the parking areas under its jurisdiction.
    - (b) Advise the Common Council on all matters involving the operations of parking areas under its jurisdiction, including establishment of parking rates, time limits, availability of and requirements for leased and permit parking.
    - (c) Recommend to the Common Council all matters involving the City's inventory of parking infrastructure, including, acquisition and disposition of land, proposed property improvements, and investments in revenue collection technology.
    - (d) Review requests to restrict access to parking areas under its jurisdiction, and provide recommendations to the Common Council as to whether such reservations are consistent with the goals and objectives of public parking in the City.
  - (3) On Street Parking. The Committee shall study and recommend to the Common Council on all matters involving on-street parking.
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(4) Municipal Parking Lots. The Committee shall study and recommend to the Common Council on all matters involving off-street parking in the following municipal parking lots:

- (a) 300 West Lot, at the southeast corner of the intersection of Algoma Boulevard and Brown Street and the area on High Avenue bordering the Grand Opera House to the west
- (b) Convention Center North Lot, at the northeast corner of the intersection of Ceape Avenue and State Street
- (c) Grand Lot, between High Avenue and Pearl Avenue, and west of Market Street
- (d) 400 East Lot, at the southwest corner of Jefferson Street and Merritt Avenue
- (e) 200 East Lot, at the northwest corner of the intersection of Otter Avenue and State Street
- (f) Otter Lot, on the south side of Otter Avenue between State Street and Court Street
- (g) Convention Center East Lot, on the south side of Ceape Avenue, bordering the Oshkosh Convention Center on the east
- (h) State Lot, on the east side of State Street between Waugoo Avenue and Washington Avenue
- (i) 300 East Lot, at the southwest corner of the intersection of State Street and Washington Avenue
- (j) 400 West Lot, on the east side of Division Street between Church Avenue and Algoma Boulevard
- (k) 500 West Street Lot, at the northeast corner of Church Avenue and Division Street
- (l) 8th North Lot, on the north side of 8th Avenue, east of Oregon Street
- (m) 9th South Lot, behind the west side of Oregon Street between 9th Avenue and 10th Avenue
- (n) 10th South Lot, on the south side of 10th Avenue, east of Oregon Street

(5) Private Parking Lots under Municipal Agreements. The Committee shall study and recommend to the Common Council on all matters involving off-street parking in the following private parking lots, according to filed agreements with the respective property owners:

- (a) City Center Lot, at the southwest corner of Market Street and Pearl Avenue
- (b) 200 West Lot, at the northwest corner of Main Street and Pearl Avenue
- (c) Rec Gym Lot, on the west side of Division Street between Church Avenue and Algoma Boulevard.

(6) Parking Lots not included in Committee's Authority. The Committee shall not

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have jurisdiction over off-street parking areas wholly included in the boundaries of a municipal park. The Committee shall also not have jurisdiction over the Leach Lot (adjacent to the Leach Amphitheater, south of Ceape Avenue and east of Court Street).

The Committee shall not have jurisdiction over parking lots on municipal property designated to exclusively serve City facilities, including but not limited to City Hall, the Safety Building and Library.

- (7) The Committee shall guide and assist in the implementation of improved transit service to the City of Oshkosh. The Committee will monitor the level of transit service provided to ensure an efficient and effective operation.
  - (8) The Committee will make recommendations on major route, service and/or fare changes.
-

(9) Bicycle and Pedestrian Matters

The Committee shall:

- (a) advise the Common Council with respect to recommendations on bicycle/pedestrian matters.
  - (b) assist with developing, implementing, and updating the City's Bicycle and Pedestrian Circulation Plan.
  - (c) coordinate education, encouragement, and outreach activities across City departments, other government agencies, non-profit organizations, and the private sector.
  - (d) make recommendations on capital and maintenance projects to improve bicycle and pedestrian safety and mobility.
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## **BOARD OF ZONING APPEALS**

Ordinance Reference: 2-59  
Statutory Reference: §62.23(7)(e) Wis. Stats.  
(Mandatory if the City has adopted zoning requirements)  
Membership: 5 members  
Terms: 3 year terms  
Staff Liaison: Director of Community Development  
Meets: Monthly (if needed for hearings)

### **Purpose and Duties:**

The Board of Zoning Appeals shall have the duties and powers prescribed in Section 62.23 of the Wisconsin Statutes and Chapter 30 of this Municipal Code.

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## REDEVELOPMENT AUTHORITY

Ordinance Reference: Resolution 03-65

Statutory Reference: §66.1333 Wis. Stats.

Membership: 7 members

only reference to Council members is in the resolution creating the commission which provides that when the Mayor serves as a commissioner he/she shall act as its chair

Terms: while not specified in original resolution, members are typically appointed for 5 year terms

Staff Liaison: Director of Community Development

Meets: Every other Month

### Purpose and Duties:

The Redevelopment Authority is an independent entity created by the City pursuant to Wisconsin Statutes for the purpose of carrying out blight elimination and urban renewal programs and projects. The Oshkosh Redevelopment Authority has as its primary emphasis and focus the redevelopment and revitalization of central city areas in the community.

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## HOUSING AUTHORITY BOARD

Ordinance Reference: None  
Statutory Reference: §§ 66.1201-66.1211 Wis. Stats.  
(Mandatory if you establish a Housing Authority)  
Membership: 5 members one of whom must be a low income resident or voucher participant, no more than 2 may be city officials  
Terms: 5 year terms  
Staff Liaison: Staffed by the Oshkosh/Winnebago Housing Authority Staff  
Meets: Monthly

### Purpose and Duties:

The Board of Commissioners has the powers enumerated in 66.1201(9) Wis. Stats. and the authority to acquire property by eminent domain, issue bonds, mortgage property, contract with the federal government and liquidate and dispose of housing projects.

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## **Entities independent of the City of Oshkosh -**

*East Central Wisconsin Regional Planning Commission (ECWRPC):* a regional body created by the State of Wisconsin §66.0309 Wis. Stats. to provide oversight, review and assistance to local government; ECWRPC has the authority to conduct studies, collect and analyze data, make and adopt plans for the physical and economic development of the region; may provide advisory services to local governments including comprehensive planning, economic development planning, preparation or review of proposed land use regulations, grant writing, data collection and mapping services.

*GO-EDC:* Greater Oshkosh Economic Development Corporation is a non-profit corporation created separately and working independently of the City of Oshkosh which exists to preserve the health of existing companies, foster a positive entrepreneurial environment, connect companies to workforce and talent development resources, enhance the business climate and promote the quality of life in the greater Oshkosh area.

*GO-HNI:* Greater Oshkosh Healthy Neighborhoods Inc. (GO-HNI) is a non-profit corporation which is independent of the City of Oshkosh but which works with the City to promote neighborhood development services including community building and engagement, real estate development and asset management activities within Oshkosh.

*Neighborhood Associations:* A neighborhood association is a loosely formed group of residents and property owners within a geographically defined area within the City of Oshkosh. While the City of Oshkosh recognizes neighborhood associations, they are not created by and are independent of the City of Oshkosh.

*Oshkosh Convention and Visitors Bureau:* The Oshkosh Convention & Visitors Bureau (OCVB) is a private, not-for-profit organization, funded solely through room tax dollars from Oshkosh hotels and UW-Oshkosh under an Agreement with the City of Oshkosh. Its mission is to promote Oshkosh and Winnebago County as a premier destination for corporate, sports and leisure groups and individual visitors.

*Grand Opera House Foundation:* A private, not for profit entity responsible for operating the Grand Opera House under an Agreement with the City of Oshkosh.

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# OPEN MEETINGS & PUBLIC RECORDS

Video training pertaining to these topics is available for you to view at:

Open meetings: [https://www.youtube.com/watch?v=8gW-fjqwR6Q&list=PLqRylHmMyMnf586vtFr9bkDKprGv\\_ynGr&index=5](https://www.youtube.com/watch?v=8gW-fjqwR6Q&list=PLqRylHmMyMnf586vtFr9bkDKprGv_ynGr&index=5)

Public Records:

[https://www.youtube.com/watch?v=bOwZz64AUAY&list=PLqRylHmMyMnf586vtFr9bkDKprGv\\_ynGr&index=4](https://www.youtube.com/watch?v=bOwZz64AUAY&list=PLqRylHmMyMnf586vtFr9bkDKprGv_ynGr&index=4)

**PUBLIC POLICY  
OPEN MEETINGS AND PUBLIC RECORDS**

In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.

To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.

§19.81 (1) and (2) Wisconsin Statutes

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## OPEN MEETINGS

The Open Meetings law requires all meetings of State and Local governmental bodies to be publicly held in places reasonably accessible to and open to all citizens at all times, unless otherwise expressly provided by law.

The Open Meetings law applies to “meetings”. A meeting is defined as 1) the convening of members of a governmental body 2) for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

- 1) A “governmental body” is defined as: “a state or local agency, board, commission, committee, council, department or public body corporate and politic, created by constitution, statute, ordinance, rule or order ... or a formally constituted subunit of the foregoing.”
- 2) “Meeting” includes regular and special meetings of the board or commission but may also include other types of interactions and gatherings, a meeting may be formal or informal, and includes discussion or information gathering on matters within the Board’s realm of responsibility.

Two Tests -- the purpose requirement and the numbers requirement.

The Purpose Test -- What is the purpose of this gathering? Are you exercising the responsibilities, authority, power or duties delegated to this board? Are you discussing or gathering information on a matter before you or likely to come before you?

The Numbers Test – If one half or more of the members of the body are present, it is rebuttably presumed to be a meeting. The numbers test is met when a number sufficient to determine the body’s course of action on the business under consideration is present. In certain cases, this number may be less than a majority of the quorum. You may hear the term negative quorum which means the number that may defeat any motion or action –in some cases such as items that may require a supermajority vote, the negative quorum may be less than one half of the body. In regard to the numbers test, you may also consider the possibility of further sharing information such as through a walking quorum which we will discuss further below.

If both tests are met, then there is a meeting of the governmental body.

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## Communication Outside of a Regular Meeting:

*Social gatherings* -- the statute specifically excludes social or chance gatherings and other gatherings where you are not exercising your authority, power, or responsibilities.

*Telephone conference calls* would be very similar to in-person conversation and exchanges and are viewed as a convening of the members of the body.

*Written correspondence* – The circulation of a paper or hard copy memorandum or letter among the members of a governmental body has historically not been considered a “convening of the members” for purposes of the open meetings law. The correspondence will be a public record, but since it is going to usually involve a largely one-way flow of communication, with any exchanges that may occur spread out over time, and little or no conversation-like exchange between members, the open meetings law is generally not going to restrict this type of information. This technique is not recommended for quasi-judicial matters because preparation of a memorandum by a body’s member prior to the meeting will not take into consideration all of the facts that may ultimately form the basis for the body’s decision.

*Electronic Communications* such as email and instant messaging may constitute a convening of the members depending on how the communication medium is used. No court has yet applied the open meetings law to this type of correspondence, but it is likely the court will evaluate this similarly to other types of situations it has evaluated and look at whether it is more like written correspondence or more like in-person communication.

The AG’s office strongly discourages the members of every governmental body from using electronic mail to communicate about issues within the body’s realm of authority. The AG’s office has provided guidance that suggests courts are likely to consider (1) the number of participants involved in the communications; (2) the number of communications regarding the subject; (3) the time frame within which the electronic communications occurred; and (4) the extent of the conversation-like interactions reflected in the communications.

This type of communication may be more problematic from an open government standpoint because of the very rapid nature that the back-and-forth exchanges may take on; the conversational tones many use in email correspondence; and the potential that although you are sending to only one person, your email may be forwarded and commented upon and you, as the sender, will have no control over the scope or direction of further exchange.

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## *Walking Quorums*

A “walking quorum” is a series of gatherings or exchanges among separate members of a governmental body who agree tacitly or explicitly to act uniformly in sufficient number to reach a quorum. The requirements of the open meetings law cannot be circumvented by using an agent or surrogate to contact the members of governmental bodies through a series of individual contacts. The essential feature of the “walking quorum” is the element of agreement among members of a body to act uniformly in sufficient numbers to reach a quorum (or control an action). Where there is no agreement, theoretically exchanges may take place without violating the open meetings law, however this is not recommended.

General discussion regarding public policy and matters should be held in public meetings unless an exception to the open meetings law applies.

## *Meetings of Multiple Bodies/Notices of Observation*

When a quorum of members of one governmental body attends a meeting of another governmental body under circumstances that are not chance or social, in order to gather information or otherwise engage in governmental business regarding a subject over which they have the decision-making responsibility, both governmental units must be noticed.

If you are invited to and planning to attend something other than Council meetings or Boards/Commissions to which you are assigned, that may fit within your City responsibilities, let staff know, so that the matter can be noticed properly if needed.

*Generally, it is easier and safer to avoid the potential issues being raised than to try to defend actions later.*

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If the Open Meetings law applies, what is required?

Notice – reasonably apprising the public and media of the topics to be discussed and items to be acted upon

Timing – at least 24 hours in advance; 24 hours is a minimum, greater notice is most often preferable

Closed Sessions must be noticed – limited to statutory exceptions

Accessibility – must be reasonably accessible, open to the public, reasonably accessible to persons with disabilities

Tape recording/videotaping -- o.k. as long as it does not interfere with the conduct of the meeting

Citizen participation – The open meetings law allows citizens the right to attend and observe but does not require that the public be allowed to speak or actively participate, unless required by another statute, such as a public hearing on zoning issues. The governmental body is free to determine for itself whether and to what extent it will allow citizen participation.

Minutes and recording of votes – you are required to keep a record of the motions and roll call votes of each meeting of the body

### Public Meetings v. Public Hearings

Every meeting of the Council is a public meeting and must meet the requirements of the Wisconsin Open Meetings Law. A meeting is for the purpose of conducting the business of the city and while public notice and opportunity to observe are required, public involvement is not required by statute.

Public Hearings are required by statute in some cases for the purpose of gathering information and to allow public comment on particular items prior to action. When public hearing are required, they will be specifically designated on the Board, Commission or Council Agenda.

Other resources: the Attorney General for the State of Wisconsin has a Guide to Open Meetings Law on their website at [www.doj.state.wi.us](http://www.doj.state.wi.us).

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## **PUBLIC RECORDS**

Generally, official records will be maintained by staff so you do not need to keep copies of the agenda, minutes and other items that you receive from staff, except as it may be helpful to you in doing your functions.

If you receive private correspondence, letters, emails, texts, instant messages, or any other form of recorded or written communication or information related to the business of this body, those are also public documents. The records must be kept – you may keep them yourself or you may give the records to staff to maintain. The general retention period is 7 years so whatever method you choose, you should make sure to maintain the records for a period of at least 7 years.

Staff will also respond to all records requests. If there is a request for documents that includes for example, emails to the members. Staff would contact members and request that those members supply all information that they have in their possession that may be responsive to the request. Staff would then evaluate all information gathered and provide the appropriate information responsive to the request.

Using your own computer/email address/social media account for the conduct of governmental business – email, blogging, etc..... may raise concerns related to record retention and the privacy of the “private” system may be challenged, so caution is advised.

Council members are given City email addresses. Emails using the City email address are automatically archived by the City’s computer system.

If you receive an email, instant message or other communication to a private email address or account outside of the city email system, you should archive the communication in some manner by keeping your own folder of communications or by copying the email or information into an email to city staff or the board or commission email address. You may include a note that you received it through a personal account and are copying the city email for archive purposes.

Other resources: the Attorney General for the State of Wisconsin has a Guide to the Wisconsin Public Records Law on their website at [www.doj.state.wi.us](http://www.doj.state.wi.us).

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# LEGISLATIVE & QUASI-JUDICIAL MATTERS

Video training pertaining to this topic is available for you to view at:

[https://www.youtube.com/watch?v=PPerbtr9jRM&list=PLqRylHmMyMnf586vtFr9bkDKprGv\\_ynGr&index=2](https://www.youtube.com/watch?v=PPerbtr9jRM&list=PLqRylHmMyMnf586vtFr9bkDKprGv_ynGr&index=2)

Legislative and Quasi-Judicial Roles. Certain Boards and Commissions of the City operate both as a legislative and quasi-judicial body. It is important to distinguish between these roles.

Legislative actions are actions that affect the community as a whole. Legislative actions involve broader policy choices as opposed to determinations regarding specific individuals, businesses or properties. When a board or commission reviews or adopts studies, policies, plans, or ordinances, that body is acting in its legislative capacity. Governmental bodies exercising legislative authority are afforded a great deal of discretion and are generally limited only by procedural, statutory limitations and constitutional concerns.

In contrast, items that are brought by an individual applicant for decision or recommendation before a board or commission will require the application of quasi-judicial rules and processes; as well as some items initiated by staff or direction of the Council if they affect specific or a limited identifiable group of individuals/properties. Quasi-judicial determinations involve the application of a statute or ordinance to a specific set of facts, particular property or individual/business. They may require fact finding, a formal or informal hearing, and a determination applying the standards and rules to the particular situation.

When a governmental body is acting in its quasi-judicial capacity, the body is required to provide Due Process to the person(s) whose rights are affected. The minimum requirements of Due Process include timely and adequate notice; the opportunity to be heard before an impartial body; as well as the opportunity to review the information provided to the body and question that information and witnesses.

### Special Considerations when dealing with individuals or individual properties / Hearings / Quasi-Judicial Hearings

#### *Avoiding Impartiality / Bias*

In addition to the specific ethics requirements contained in the Wisconsin statutes, when acting in a quasi-judicial manner governmental body members must not harbor bias, or an impermissibly high risk of bias, or prejudge the matter before them.

Does your relationship with the applicant or others related to the case before you bias or prejudice your independent review and judgment of the case? If the answer is yes, then you should recuse yourself from acting on the matter.

Avoid even the appearance of Bias or conflict of interest. Balance this with the responsibility to act as a member of the body when appropriate. Courts have not found a conflict of interest or an impermissibly high risk of bias only because a member of a board or commission has an expertise in a particular area or because a member may have strong feelings about a particular issue.

Recusal – do not participate in the discussion or the decision, consider physically separating yourself from the board or commission (sitting in the audience, leaving the meeting), recusal is not the same as simply abstaining (not voting).

*Due process /fairness and impartiality in a hearing:*

As a body – ensure impartiality in the process

- Ensure that proper notice is provided to affected persons

- Provide reasonable opportunity to be heard

- Base your decisions on the facts presented at the hearing and the statutory and ordinance standards only

*Other considerations:*

Onsite inspections -

If you go, you need to have permission to go on the property, otherwise it is trespass.

If the body goes as a group to visit the site, then the public is also allowed to visit as it is an open meeting. Group visits must be noticed as an open meeting.

All questioning and discussion should be saved for the formal meeting setting to allow for adequate opportunity for people to hear the discussion and for the taking of minutes. Information gathered during a site visit must be included in the hearing record to be considered.

Ex parte Communications -- Ex parte Communication is discussion regarding a pending matter not included in the public record. Avoid it. If you do have a discussion, disclose it and encourage citizens that may approach you outside of a meeting to make important information part of the record. Do not consider information gathered in discussions outside of the hearing in the decision, if you feel you cannot set the information aside, consider not hearing the matter.

If your role involves determining the intent of an ordinance and its application to a particular situation. Rely on the text of the ordinance itself first. If the ordinance is not ambiguous, use only the ordinance in making your determination. If a word is defined in the ordinance, use that definition. If a word is not defined in the ordinance, use the common dictionary definition, the plain meaning. Implement the intent of the ordinance – if there is a purpose section of the ordinance, does this decision further that purpose? You may rely on documented evidence of intent – this includes the purpose section of the ordinance, and memos or statements documented in minutes at the time the ordinance was passed. Give effect to all provisions – do not make an interpretation that renders part of an ordinance meaningless or surplus. Do not render an interpretation that creates a conflict between ordinance provisions.

### Standards, Determinations of Fact and Conclusions

When you are acting in a Quasi-Judicial capacity, it is even more important to formally document your decision and the basis for the decision –

Findings in Record – whatever the decision reached by the body, findings should be included in the minutes and record. If the board or commission is adopting the staff report and there is not a reference in a prepared ordinance or resolution to that effect, affirmatively state that the body is adopting the staff report as the basis for its findings of fact and determination. If there are exceptions or additions to what was presented in the staff report, you may adopt the staff report noting also that any additions or corrections to the staff report.

A motion may be made that the board or commission adopt the findings and recommendation of the staff report as the findings and determination of the body. Additions or amendments to the staff report findings or recommendation may then be made by amendments. For example: I move to amend the motion to add a condition that .....; or I move to amend the motion to add a finding that .....

Alternatively if the additions or corrections are immediately apparent they may be incorporated into the original motion. For example: I move to adopt the staff report as the findings and determination of the board with the following correction; or I move to adopt the staff report as the findings and determination of the board and in addition to add the following condition.

## Judicial Appeals

Generally, courts will uphold a board or commission's determination if you have followed the proper procedures and the determination appears "reasonable".

### Standards

1. was the matter decided within the body's jurisdiction?
2. did the commission follow the proper procedures (open meetings law, public notice, hearing procedure, decision on record)?
3. did the commission apply the proper standard in making the decision?
4. could a reasonable person have reached the conclusion reached by the commission on the record before them?
5. do the facts in the record support the decision?
6. Was the action arbitrary, oppressive or unreasonable?

The court may affirm, reverse or modify the decision in whole or in part

An overturned decision may be sent back to the board or commission with directions to decide the matter consistent with the court's findings.



# ETHICS

Video training pertaining to the topic is available for you to view at:

[https://www.youtube.com/watch?v=\\_u4e7bGYtQ0&list=PLqRylHmMyMnf586vtFr9bkDKprGv\\_ynGr&index=3](https://www.youtube.com/watch?v=_u4e7bGYtQ0&list=PLqRylHmMyMnf586vtFr9bkDKprGv_ynGr&index=3)

## ETHICS

In general, there are two kinds of general ethics restrictions placed upon local officials. The first restricts an official from personally profiting from holding the public office. The second restricts an official from participating in decisions in which the official has a personal financial interest. Related to these the statute specifically includes a prohibition on certain actions as either a local public official or candidate in relation to political promises and contributions.

### Accepting items

- A. A local public official may not accept items or services of substantial\* value for private benefit, or for the benefit of the official's immediate family or associated organizations, if offered because of public position.
- B. A local public official may not accept (and no one may offer or give) anything of value that could reasonably be expected to influence the official's vote, official actions or judgment.
- C. A local public official may not accept (and no one may offer or give) anything of value that could reasonably be considered a reward for any official action or inaction.

### Controlling conflicting interests

- A. A local public official may not take official action substantially affecting a matter in which the official, the official's immediate family, or associated organization has a substantial financial interest.
- B. A local public official may not use office or position to produce a substantial benefit for official, family, or associated organization\*\*.

If you have any questions about an upcoming item and whether you should vote on it or if you have any questions about a gratuity or anything else where you are concerned about the ethics of it, please feel free to call the City Attorney's office.

\* substantial means not nominal, insignificant or trivial

\*\* "Associated", when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

What should you do if you have a financial interest in a matter coming before you or if you identify a conflict of interest in relation to a matter coming before you?

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Do not participate in the discussion and do not vote on the matter. The attorney general's office recommends removing yourself from the room. In some cases, this may be more disruptive to the meeting than simply not participating. But if you are concerned that your presence may influence your fellow council or board members, you should consider stepping away from the table to the public portion of the room or leaving the room.

If you receive something that you believe is related to your official position and would be a violation of the laws or would create an appearance of undue influence, you have several options. You may return the item; you may give it to the city, another public institution or a charitable organization; or you may purchase the item for its full value if it is something that you want to keep or an event you wish to attend.

#### Enforcement and Penalties under Chapter 19 General Ethics Rules

While staff and the City Attorney's office may give you advice in regard to these matters, the final decision will be yours to make and enforcement and penalties will be personal to you.

Complaints can be made to the District Attorney and Attorney General's offices regarding violations of the state ethics code and you may be personally fined for violations. Penalties include a forfeiture of not more than \$1000 for each violation, plus the value of the item and costs.

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In addition to the general ethics provisions in Chapter 19 of the Wisconsin Statutes, there are several criminal statutes that also relate to official conduct that are important to be aware of. Those statutes include:

#### **§946.12 Wisconsin Statutes - Misconduct in Public Office**

Any official who does any of the following is subject to prosecution under the Misconduct in Public Office Statute:

- Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty
- Does an act which the person knows exceeds their lawful authority or is forbidden by law in the persons official capacity
- Exercises a discretionary power in a manner inconsistent with the duties of their office or the rights of others with the intent to obtain a dishonest advantage personally or for another
- Intentionally and materially falsifies an entry in an account or record book, report or statement
- Under the color of the office, intentionally solicits or accepts for the performance of any service or duty anything of value

Penalty: Violation is a Class I felony and subjects the person to a fine of not more than \$10,000, imprisonment for not more than 3½ years, or both.

#### **§946.13 Wisconsin Statutes - Private Interest in Public Contracts**

Municipal officials are prohibited from negotiating or bidding on contracts in which the public official has a financial interest if they also have an official responsibility to act in relation to that contract and cannot in their official capacity participate in the making of a contract in which they have a direct or indirect financial interest.

It is important to note that this is a criminal statute that is strict liability and does not require the intent to violate; and that abstaining from voting on the contract will not prevent a violation.

Prohibits municipal officials from having a private financial interest in a public contract.

- 1) Prohibition Against Private Action. A public official may not in his or her private capacity negotiate or bid for or enter into a contract in which the public official has a direct or indirect financial interest if the official is “authorized or required by law
-

to participate” in his or her capacity as such officer or employee in the making of that contract. § 946.13(1)(a).

- 2) Prohibition Against Official Action. A public official may not participate in the making of a contract in his or her official capacity if the official has a direct or indirect financial interest in the contract. § 946.13(1)(b).

There are a few exceptions in this statute pertaining primarily to smaller contracts of less than \$15,000 per year and financing relationships.

A Contract entered into in violation of this section is void.

Penalty: Violation is a Class I felony and subjects the person to a fine of not more than \$10,000, imprisonment for not more than 3½ years, or both.

### **§946.10 Wisconsin Statutes - Bribery**

Public officials are prohibited from directly or indirectly accepting or offering to accept any property or personal advantage based on an understanding that the official will act in a certain manner regarding any matter pending or that might come before them in their official capacity

Penalty: Violation is a Class H felony and subjects the person to a fine of not more than \$10,000, imprisonment for not more than 6 years, or both.

### **Compatibility of Offices**

The Compatibility Doctrine is a common law prohibition, created by courts rather than by a statute.

The same person cannot hold two offices or office and position where one post is superior to the other or where, from public policy perspective, it is improper for one person to discharge duties of both posts.

The Practical effect of this rule is that Governing body members cannot hold other positions/employment with municipality unless expressly authorized.

#### **Compatibility Doctrine Violations**

If there is a Compatibility Doctrine Violation, courts have concluded that the person has vacated the first office if they take an incompatible second office.

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## **Positions Created during Term**

During the Council term for which you were elected you may not apply for or take a position that was created during your term of office. This prohibition would apply even if you would resign first. For example, if a position is created in the annual budget, a council member is not eligible to apply for that position.

However, a council member may be appointed to office or position not created during member's term of office if they resign first.

Governing body members may run at any time for new or existing elective offices.

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## **Additional Resources**

The Statute of Wisconsin Ethics Commission provides helpful Guidelines for Local Public Officials pertaining to Ethics which are included in the following pages.

State of Wisconsin Ethics Commission at [www.ethics.wi.gov](http://www.ethics.wi.gov)

League of Wisconsin Municipalities: <https://www.lwm-info.org>

League of Wisconsin Municipalities FAQ's: <https://www.lwm-info.org/831/Frequently-Asked-Questions>

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# Wisconsin Ethics Commission

## *Citizen's Guide*

### Standards Of Conduct For Local Government Officials

*Wisconsin Statutes* establish standards of conduct for all of our state's governmental officials, including local officials. These legal requirements apply to elected and key appointed officials of our state's counties, cities, villages, towns, school boards, and sewerage and other special districts.<sup>1</sup>

**Standards of conduct.** In general, a local public official should not:

- ***ACT OFFICIALLY IN A MATTER IN WHICH THE OFFICIAL IS PRIVATELY INTERESTED***
- ***USE GOVERNMENT POSITION FOR PRIVATE FINANCIAL BENEFIT***
- ***ACCEPT TRANSPORTATION, LODGING, FOOD, BEVERAGES, OR ANYTHING ELSE OF MORE THAN TOKEN VALUE OFFERED BECAUSE THE OFFICIAL HOLDS A GOVERNMENT POSITION***
- ***SOLICIT OR ACCEPT REWARDS OR ITEMS OR SERVICES LIKELY TO INFLUENCE THE OFFICIAL***
- ***OFFER OR PROVIDE INFLUENCE IN EXCHANGE FOR CAMPAIGN CONTRIBUTIONS***
- ***BE FINANCIALLY INTERESTED IN A GOVERNMENT CONTRACT THE VALUE OF WHICH EXCEEDS \$15,000 AND FOR WHICH THE OFFICIAL IS AUTHORIZED TO TAKE SOME DISCRETIONARY ACTION (EVEN IF THE OFFICIAL ABSTAINS)***<sup>2</sup>

**Financial disclosure.** Some local governments make available a list of the employers and financial interests of their government's officials.<sup>3</sup> Most do not. The decision to collect this information is one that the legislature has left to each unit of government. To learn if your county, municipality, or town provides this information, ask your county or municipal clerk.

**Addressing issues before they become problems.** To deal with a conflict between a private interest and governmental responsibilities before an official takes a vote or enters into discussions on a matter, the official can either resolve the matter by relinquishing the private interest or mitigate the problem by temporarily withdrawing from exercise of governmental responsibilities. By seeking advice beforehand, an official can determine whether statutory restrictions permit the official to participate in a matter or to accept items or services of value.

Ordinarily, the legal advisor for the unit of government of which the official's position is a part is in the best position to advise the government official about a matter involving ethical standards of conduct. Sometimes, a statewide association of local governments will advise an official.<sup>4</sup>

If, after studying the legal standards and gathering the pertinent facts, the legal counsel is uncertain about what advice to offer, the lawyer may direct a letter to the Wisconsin Ethics Commission stating the pertinent facts and law, tentative conclusion, and basis for it, and ask that the Wisconsin Ethics Commission issue an opinion concerning the interpretation of §19.59, the Code of Ethics for Local Government Officials, Employees and Candidates. Written requests for advice are confidential. No

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<sup>1</sup> §19.59, *Wisconsin Statutes*.

<sup>2</sup> §946.13, *Wisconsin Statutes*. See text of statutes for exceptions to general rule.

<sup>3</sup> Among the local governments requiring their officials to identify information about their sources of income and investments are the cities of Madison and Milwaukee and the counties of Dane, Milwaukee, and Wood.

<sup>4</sup> Examples include Wisconsin Counties Association, League of Wisconsin Municipalities, Wisconsin Towns Association, Wisconsin Association of School Boards.



member or employee of the Ethics Commission may make public the identity of anyone requesting an advisory opinion or of persons mentioned in an opinion. Periodically, the Commission publishes summaries of its opinions after making sufficient alterations to prevent the identification of the requestor and persons mentioned in the opinions. The *Statutes* do not authorize the Commission to issue an opinion to a citizen or to an official or representative of a local government other than the local government's legal counsel.

**Complaints.** If you believe that an official of a county, city, village, town, school board, or special purpose district has violated a standard of conduct that state law requires the official to observe, you may file a complaint with the Commission, or with the district attorney for the county in which the activity occurred.

Your complaint should describe the pertinent facts succinctly. State that you swear or affirm that the information you are providing is true to the best of your knowledge, information, and belief. Have a notary or other person authorized to administer an oath witness your signature to the complaint. Deliver the complaint to the Commission or district attorney, in person, or by mail, or other appropriate way you find convenient.

Allow the Commission or district attorney a reasonable length of time to look into the matter. It may take several weeks to look into the facts and law in order to make a good decision about how to proceed.

If the complaint about a local public official is filed with the Wisconsin Ethics Commission, the Commission's policy is to refer it to the local district attorney. If the district attorney has not responded to a complaint within 60 days of a referral, the Commission may refer the matter to the Attorney General.

Individuals may also file a complaint directly with the district attorney. If the district attorney has not filed a complaint or replied to you within 20 days of your filing a complaint with that office, you may send a copy of your complaint to the Attorney General's Office, explaining that the district attorney, after considering your complaint for 20 days or more, has not begun an action against the person you complained about, and ask the Attorney General to enforce the complaint. If the Attorney General also declines to prosecute the matter, you will at least have the satisfaction that two law enforcement agencies have had the opportunity to review your complaint and act upon it. The Wisconsin Ethics Commission cannot overturn the decisions of the district attorney or Attorney General or, independent of them, enforce standards of conduct for local government officials.

# Wisconsin Ethics Commission

## Local officials' receipt of food, drink, favors, services, etc.

Wisconsin law forbids a public official to use free or discounted transportation, traveling accommodation, or communication services for which the supplier would usually charge [§946.11, Wisconsin Statutes; Art. 13, §11, Wisconsin Constitution],<sup>1</sup> Otherwise – Consistent with the statutes administered by the Wisconsin Ethics Commission, *local public officials*<sup>2</sup> **may accept and retain:**

a. **ITEMS AND SERVICES UNRELATED TO PUBLIC POSITION.**

Food, drink, transportation, lodging, items, and services which are offered for a reason unrelated to the recipient's holding a public position [§ 19.59(1)(a)] and which could not reasonably be expected to influence an official's vote, official actions or judgment, nor reasonably be considered a reward for any official action or inaction;

b. **EXPENSES PROVIDED BY OR FOR THE BENEFIT OF THE LOCAL GOVERNMENTAL UNIT.**

Food, drink, transportation, lodging, or payment or reimbursement of costs that are provided by or for the benefit of the local governmental unit, not for a private benefit; and

c. **ITEMS OF INSUBSTANTIAL VALUE.**

Mere tokens and items or services of only nominal, insignificant, or trivial value.

### STATUTORY RESTRAINTS

Except as noted on the other side of the page, *local public officials should not accept:*

1. **ITEMS OR SERVICES OFFERED BECAUSE OF PUBLIC POSITION.** Any item or service, including food, drink, and travel, of more than nominal value offered because of the person's holding a public office [§ 19.59(1)(a)];
2. **ITEMS THAT COULD INFLUENCE JUDGMENT.** Any item or service that could reasonably be expected to influence an official's vote, official actions or judgment [§19.59(1)(b)];
3. **REWARDS FOR OFFICIAL ACTION.** Any item or service that could reasonably be considered a reward for any official action or inaction [§19.59(1)(b)]; and
4. **TRANSPORTATION OR TRAVELING ACCOMMODATIONS.** Discounted transportation, traveling accommodations, or communication services for which the supplier would usually charge [§946.11; Art. 13, §11].

<sup>1</sup> Consult local ordinances and other state law not administered by the Wisconsin Ethics Commission for any additional restrictions.

<sup>2</sup> "Local public officials" include: (a) elected officers of political subdivisions and special purpose districts of the state; (b) county administrators or administrative coordinators; (c) city or village managers; (d) individuals appointed to a position in a political subdivision or special purpose district for a specified term; and (e) individuals appointed to a position by the governing body, executive, or administrative head of a political subdivision or special purpose district and serving at the pleasure of the appointing authority.

## Wisconsin Ethics Commission

Local officials' receipt of food, drink, favors, services, etc.

**To analyze a situation in which you are offered items or services, ask yourself these questions:**

1. With respect to the item or service offered:
  - a. Is it being offered because of my public position?
  - b. Is it of more than nominal or insignificant value?
  - c. Is it primarily for my personal benefit rather than for the benefit of my local unit of government?

If you answer "yes" to all three questions, you may not accept the item or service.

2. Would it be reasonable for someone to believe that the item or service is likely to influence my judgment or actions or that it is a reward for past action? If you answer "yes," you may not accept the item or service.

**If you have any doubts about a situation, seek advice from your local governmental attorney.**

# Wisconsin Ethics Commission

## *For State and Local Public Officials*

### Mitigating Conflicting Interests: Private Interest Vs. Public Responsibility

In a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as state public officials retain their rights as citizens to interests of a personal or economic nature. Standards of ethical conduct for state public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material. State public officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments. [WIS. STAT. § 19.45\(1\)](#).

#### ACTING IN AN OFFICIAL CAPACITY

**MAKING POLICY.** When a public official or a board, commission, or other body of which an official is a member is called upon to propose or to act on legislation, to promulgate a rule, or to issue a general policy, the official may participate in that action even though the action will affect the official, a member of the official's immediate family, or an organization with which the official is associated<sup>1</sup>, as long as:

- The official's action affects a whole class of similarly situated interests;
- Neither the official's interest, the interest of a member of the official's immediate family, nor the interest of a business or organization with which the official is associated<sup>1</sup> is significant when compared to all affected interests in the class; AND
- The action's effect on the interests of the official, of a member of the official's immediate family, or of the related business or organization is neither significantly greater nor less than upon other members of the class.

See e.g., [2008 GAB 02](#); [11 Op. Eth Bd 9 \(1989\)](#); [8 Op. Eth Bd 33 \(1985\)](#); [5 Op. Eth Bd 89, 65, 59](#); [4 Op. Eth Bd 104 \(1981\)](#).

**APPLYING POLICY.** A public official should not, in an official capacity, participate in or perform any discretionary action with respect to the making, grant, or imposition of an award, sanction, permit, license, grant, contract, offer of employment, or agreement in which the official or a member of the official's immediate family or a business or organization with which the official is associated has a substantial financial interest, direct or indirect. WIS. STAT. §§ [19.45\(2\)](#), [19.46\(1\)](#), [19.59\(1\)\(a\)](#) and [\(c\)](#). In addition, a public official should not, in an official capacity, participate in a matter affecting a business or organization from which the official or a member of the official's immediate family receives substantial compensation or income. See WIS. STAT. §§ [19.45\(3\)](#), [19.59\(1\)\(b\)](#); [2013 GAB 01](#), [1994 Wis Eth Bd 5](#).

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<sup>1</sup> "Associated" included any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity, or of which an individual or a member of his or her immediate family is an authorized representative or agent. [WIS. STAT. § 19.42\(2\)](#).

## HOW TO WITHDRAW FROM OFFICIAL ACTION

When a matter in which a public official should not participate comes before the legislature, a board, commission, or other body of which the official is a member, the official should refrain from discussion, deliberations, or votes related to that matter and ask that the body's minutes reflect that the member has withdrawn. The body's remaining members may review the matter and take whatever action they find appropriate. [1992 Wis Eth Bd 22](#).

## ACTING IN A PRIVATE CAPACITY

APPLICATIONS, BIDS, AND CONTRACTS. Usually, a public official should not, in a private capacity, apply, negotiate, bid for, or receive any award, sanction, permit, license, grant, contract, offer of employment, or agreement in which the official has a private financial interest, direct or indirect, if the official is *authorized* to perform in regard to it any governmental function requiring the exercise of discretion, even if the official does not participate in the governmental action or exert any influence on his or her own behalf. [WIS. STAT. § 946.13](#)

REPRESENTING CLIENTS. A public official should not, for compensation or on behalf of an employer, represent an individual, business, or organization before a board, commission, or other body of which an official is a member. The statutory code of ethics is not an obstacle to a local official's partner or business associate representing a client before such board, commission, or other body as long as the official is not financially interested in, and does not exercise control over, the representation. WIS. STAT. §§ [19.45\(3\)](#), [19.45\(7\)](#), [19.59\(1\)\(b\)](#).

# **Wisconsin Ethics Commission**

## *For State And Local Public Officials*

### **Disposition And Reporting Of Gifts**

Occasionally an official receives a gift that the Ethics Code does not permit the official to retain. Appropriate disposition of an item depends on the circumstances.

The Wisconsin Ethics Commission generally recommends that a state or local public official:

- Turn the item over to the official's agency, if the item is one the agency can use or sell (but the agency may not sell the item to a government employee<sup>1</sup>).
- Turn the item over to another state agency or to a public institution, such as a local school, library, or museum that can use the item.
- Donate the item to a charitable organization (other than one of which the official or a family member is an officer, director, or agent).
- Return the item to the donor.
- If the donor is neither a lobbyist nor an organization that employs a lobbyist, purchase the item (by paying the donor the full retail value), and retain it.

#### **Reporting receipt of a gift**

An official, when filing a Statement of Economic Interests with the Ethics Commission, must identify in the Statement each organization or individual (other than a family member) that gave the official a gift valued at more than \$50 during the prior year. Unless the official returned the gift to the donor, the official should identify the donor on the Statement even if the official has redirected the gift to another person, organization, or office or agency or has applied it to the benefit of the state or a local government.

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<sup>1</sup> In an unpublished opinion dated November 16, 2004, Wisconsin's Attorney General stated:

"The Legislature has unambiguously and comprehensively prohibited government agencies from selling to "any employees...any article, material, product or merchandise of whatsoever nature" with three specified exceptions not applicable here. Wis. Stat. §175.10 (1) (2001-02). This statute makes no exception for articles of limited usefulness to an agency.

The plain language of Wis. Stat. §175.10 (1) prohibits a governmental agency from selling to an employee an article that has been turned over to the agency by an employee who was not authorized to receive it under state law, but which the agency cannot use.

If an agency cannot use an article turned over by an employee, the agency, should either give it to the state or to a charitable organization which can put it to good use either for its own purposes or in a resale shop."

## Gift Disposition Resources

### Books, Magazines, CDs, DVDs, Videos

Madison area:

- Madison Public Library, 201 W. Mifflin St. (608) 266-6300
- Memorial Library, 728 State St. (608) 262-3193

For locations of other libraries in Wisconsin and throughout the United States, visit [www.publiclibraries.com](http://www.publiclibraries.com).

### Clothing and Merchandise

Madison area:

- American Red Cross, 4860 Sheboygan Avenue (608) 233-9300
- Goodwill Industries of South Central Wisconsin, 2127 E. Springs Dr. (608) 246-3147
- Salvation Army of Dane County, 3030 Darbo Dr. (608) 256-2321
- St. Vincent de Paul, 1309 Williamson St. (608) 257-0673
- YWCA, 101 E. Mifflin St. (608) 257-1436

For other donation information and locations, you may visit the national websites for the above organizations at: [www.redcross.org](http://www.redcross.org); [www.goodwill.org](http://www.goodwill.org); [www.svdpusa.org](http://www.svdpusa.org); [www.ywca.org](http://www.ywca.org); [www.salvationarmyusa.org](http://www.salvationarmyusa.org).

### Food/Perishables and Non-perishable Food Items

Madison area:

- Second Harvest Foodbank of Southern Wisconsin, 2802 Dairy Drive (608) 223-9121; [www.seconddharvestmadison.org](http://www.seconddharvestmadison.org).
- YWCA, 101 E. Mifflin St. (608) 257-1436
- Salvation Army, 630 E. Washington Ave. (608) 256-2321
- St. Vincent de Paul, 1309 Williamson St. (608) 257-0919

You may also contact a local food pantry or other charitable organization of your choosing. It is always a good idea to call ahead and see what is being accepted and/or what is in greatest need prior to your donation.

### Flowers/Plants

Madison area:

- Madison Senior Center, 330 W. Mifflin St. (608) 266-6581
- Other suggested donation sites are churches and senior centers in the area of your choosing.

Many of the above items are welcomed by Porchlight, Inc., an organization in Madison that provides emergency shelter and assists with homelessness. 306 N. Brooks St. (608) 257-2534.

For other charitable organizations, you may visit the Partners in Giving website at <https://giving.wi.gov/>.

*Please note that the resources listed are simply suggestions for your convenience, and the Wisconsin Ethics Commission does not endorse or recommend any particular charitable organization. If you would like to nominate additional organizations for inclusion on the list, please send an e-mail to [Ethics@wi.gov](mailto:Ethics@wi.gov).*

*This is a guide. For authoritative information consult Wisconsin Statutes.*

*Prepared by the Wisconsin Ethics Commission. 212 E. Washington Ave., 3<sup>rd</sup> Madison, WI 53703 (608) 266-8123*

*Website: <http://ethics.wi.gov> Visit the Commission's website to ensure you have the most current version of this Guideline.*

**ETH-1235**

## **ADDITIONAL RESOURCES**

### **State of Wisconsin**

[www.wisconsin.gov](http://www.wisconsin.gov)

### **Wisconsin State Statutes**

Chapter 64 of the Wisconsin Statutes – Subchapter I City Manager Plan

Chapter 62 Cities

Chapter 66 Municipal Law

Available online at [www.legis.wisconsin.gov/rsb/stats.html](http://www.legis.wisconsin.gov/rsb/stats.html)

### **League of Wisconsin Municipalities**

[www.lwm-info.org](http://www.lwm-info.org)

The League offers a number of useful handbooks and publications including a general Handbook for Wisconsin Municipal Officials

### **UW – Extensions Local Government Center**

[www.lgc.uwex.edu/](http://www.lgc.uwex.edu/)



