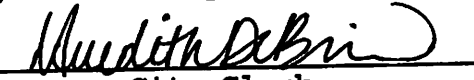


OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
City Hall

I hereby certify that this is a true copy
of a document from the Common Council
proceedings of the City of Sheboygan.


City Clerk

Gen. Ord. No. 5 - 21 - 22. By Alderpersons Felde and Ackley.
June 7, 2021.

AN ORDINANCE amending the City of Sheboygan's Code of Ethics.

WHEREAS, it is in the best interest of the City of Sheboygan to amend its Code of Ethics to more explicitly align with certain federal requirements contained in the American Rescue Plan Award Terms and Conditions, and to ensure consistent usage of terms throughout the Code of Ethics.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-261 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-261. *Definitions.*

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Financial interest means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer, employee, or agent, any member of his or her immediate family, his or her partner, or a person or organization which employs or retains or is about to employ or retain any of the parties indicated herein.

Officer includes any person who holds an elected or appointed office of the city.

Personal interest means any interest, whether or not any financial interest is involved, arising from: (1) any member of the officer, employee, or agent's immediate family; (2) the officer, employee, or agent's partner; (3) a person or organization which employs or retains or is about to employ or retain any of the parties indicated in (1) or (2); or (4) a close political association."

Section 2. Section 2-263 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-263. *Declaration of policy.*

The proper operation of democratic government requires that public officers, employees, and agents be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in

the integrity of its government. In recognition of these goals, there is established a code of ethics for all city officers, employees, and agents, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the city. The purpose of this article is to establish guidelines for ethical standards of conduct for all such officers, employees, and agents by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officers, employees, and agents of private financial or other interest in matters affecting the city. The common council recognizes that the officers, employees, and agents of the city are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as city officers, employees, and agents retain their rights as citizens to interests of a personal or economic nature; that the standards of ethical conduct for city officers, employees, and agents need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial in material; and that city officers, employees, and agents 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, which activities or investments do not conflict with the specific provisions of this article. The provisions and purpose of this article and such rules and regulations as may be established under this article are declared to be in the best public interest. It is the intent of the common council that, in its operations, the ethics board established under this article shall protect, to the fullest extent possible, the rights of individuals affected."

Section 3. Section 2-265 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-265. *Applicability of article.*

When a city officer, employee, or agent has doubt as to the applicability of a provision of this article to a particular situation or definition of terms used in this article, he or she shall apply to the ethics board for an advisory opinion and will be guided by that opinion when given. The officer, employee, or agent shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of this article before such advisory decision is made. This article shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the ethics board to be more appropriate or desirable."

Section 4. Section 2-268 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-268. *Use of public property.*

No city officer, employee, or agent shall request or permit the unauthorized use of city-owned vehicles, equipment, materials, or property for personal convenience or profit."

Section 5. Section 2-269 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-269. *Obligations to citizens.*

No city officer, employee, or agent shall grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen."

Section 6. Section 2-270 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-270. *Conflict of interest.*

No city officer, employee, or agent, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest contrary to this article or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties."

Section 7. Section 2-271 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-271. *Incompatible private employment.*

No city officer, employee, or agent shall engage in or accept private employment or render service for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided in this article."

Section 8. Section 2-272 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-272. *Disclosure of confidential information.*

No city officer, employee, or agent shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city nor shall he or she use such information to advance the financial or other private interest of himself or herself or others."

Section 9. Section 2-273 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-273. *Gifts and favors.*

- (a) No city officer, employee, or agent may solicit or accept any valuable gift, favor or thing from any person who to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the city nor shall any such officer, employee, or agent accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value. Favors shall include but are not limited to admission tickets to sports or entertainment events, restaurant meals, transportation for personal purposes and providing accommodations at a hotel or resort.
- (b) Absent other unusual circumstances, the following actions of officers, employees, or agents shall not be deemed to be violations of this article:
 - (1) Receipt of a gift that is an unsolicited item of nominal intrinsic value.
 - (2) Receipt of mementos, such as coffee cups, paperweights, etc. provided the value received does not exceed \$20.00 and that distribution is of a general nature.
 - (3) Attendance or participation at modest ceremonial events, i.e., ground breakings, grand openings, receptions, as well as business lunches, outings and conferences, provided the value received does not exceed \$30.00.
 - (4) Attendance or participation at events or functions sponsored by the city where there is no intent to influence the officer, employee, or agent.

- (c) Gifts or favors received under unusual circumstances should be referred to the appropriate departmental supervisor or to the ethics board within ten days for recommended disposition."

Section 10. Section 2-274 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-274. *Representing private interests before city agencies.*

No city officer, employee, or agent shall appear on behalf of any private person, other than himself or herself, or his or her spouse or minor children, before any city agency. However, a member of the common council may appear before city agencies on behalf of his or her constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations."

Section 11. Section 2-275 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-275. *Contracts with city.*

No city officer, employee, or agent who, in his capacity as such officer, employee, or agent, participates in the making of a contract in which he or she has a private financial interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his or her part shall enter into any contract with the city unless, within the confines of Wis. Stat. § 946.13:

- (1) The contract is awarded through a process of public notice and competitive bidding; or
- (2) The ethics board created in this article waives the requirement of this section after determining that it is in the best interest of the city to do so."

Section 11. Section 2-276 of the Municipal Code is hereby amended to read as follows:

"Sec. 2-276. *Disclosure of interest in legislation.*

Any member of the common council who has a financial interest or personal interest in any proposed legislation before the common council shall disclose on the records of the common council or the ethics board created in this article the nature and extent of such interest. Any other officer, employee, or agent who has a financial or personal interest in any proposed legislative action of the common council and who participates in discussion with or gives an official opinion or

recommendation to the common council shall disclose on the records of the common council or the ethics board the nature and extent of such interest."

Section 12. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Barbara Hilde
Betty Dasky

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 21st day of June, 2021.

Dated June 23, 2021. Melissa Clevenger, Deputy City Clerk

Approved June 23, 2021. Don Sees, Mayor

Published June 26, 2021.

Certified June 23, 2021 to - Atty.; HR.; Mayor