



Public Arts Commission

Cravath Lakefront room 2nd floor 312 West
Whitewater Str, Whitewater, WI, 53190 *In Person
and Virtual

Thursday, January 09, 2025 - 5:00 PM

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone. Citizen participation is welcome during topic discussion periods.

Public Arts Committee

Jan 9, 2025, 5:00 – 7:00 PM (America/Chicago)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/604676365>

You can also dial in using your phone.

Access Code: 604-676-365

United States: +1 (872) 240-3212

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

A committee member can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.

CONSENT AGENDA

Items on the Consent Agenda will be approved together unless any committee member requests that an item be removed for individual consideration.

1. Approval of November 12, 2024 Minutes

HEARING OF CITIZEN COMMENTS

No formal Committee action will be taken during this meeting although issues raised may become a part

of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Committee discusses that particular item.

To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial *6 to unmute your phone and dial *9 to raise your hand.

ELECTION OF CHAIRMAN

ELECTION OF VICE CHAIRMAN

CONSIDERATIONS / DISCUSSIONS / REPORTS

- [2.](#) Discussion and possible approval of posting for call for artists.

CONSIDERATIONS / DISCUSSIONS / REPORTS

- [3.](#) Handout and discussion of Public Arts Commission member handbook

FUTURE AGENDA ITEMS

NEXT MEETING DATE FEBRUARY 6, 2025.

ADJOURNMENT

A quorum of the Common Council may be present. This notice is given to inform the public that no formal action will be taken at this meeting.

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.



Public Art Committee (PAC)

Whitewater Municipal Building Council Chambers,
312 West Whitewater St., Whitewater, WI 53190
*In Person and Virtual

Tuesday, November 12, 2024 - 5:30 PM

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone. Citizen participation is welcome during topic discussion periods.

Public Arts Committee

Nov 12, 2024, 5:30 – 7:30 PM (America/Chicago)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/991676437>

You can also dial in using your phone.

Access Code: 991-676-437

United States: +1 (872) 240-3212

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.

MINUTES

CALL TO ORDER

Meeting called to order at 5:40 p.m.

ROLL CALL

PRESENT

- Board Member Kim Adams
- Board Member Megan Matthew
- Board Member Justin Mane
- Council Representative Brienne Brown

STAFF MEMBER

Taylor Zeinert, Economic Development Director (EDD)

APPROVAL OF AGENDA

A committee member can choose to remove an item from the agenda or rearrange its order; however,

introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the Committee to be implemented. The agenda shall be approved at each meeting even if no changes are being made at that meeting.

Motion made by Council Representative Brown, Seconded by Board Member Adams.

Voting Yea: Board Member Adams, Board Member Matthew, Board Member Mane, Council Representative Brown

HEARING OF CITIZEN COMMENTS

No formal Committee action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Committee discusses that particular item.

To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial *6 to unmute your phone and dial *9 to raise your hand.

CONSIDERATIONS / DISCUSSIONS / REPORTS

1. Discussion and Possible Action on painting of traffic boxes.

EDD Zeinert explained that this was something that was brought up at the first meeting about doing smaller projects. The Public Works Committee approved the Public Arts Commission to paint eight (8) traffic boxes. Wanted to bring this to the committee to figure out how many of these boxes the committee wanted to start with and the timeline.

Matthew stated she would like to see all eight done yesterday.

Adams stated it felt reasonable to do all eight. Wants to get this out there so that all eight boxes have a consistent story.

Adams stated Wisconsin has some difficult weather. We need to be mindful of high and low temperatures to make sure the paint adheres to the boxes properly.

Brown stated that we should get students involved. Getting participation from university student's midterm may be difficult.

Adams asked why March as to opposed to May.

Brown stated that after spring break students are checked out. The students have three weeks after spring break. During that time, they have major projects and finals.

Matthew stated that she thinks that maybe, we have students help with the design of it up to March.

Adams stated depending on how fast we can get this together, maybe we get designs from different groups such as the high school, Arts Alliance or grade schools each doing a box. We may want to do a call for artist so that we don't have two of the same concepts. Than we move into the implementation phase, then the celebration phase.

EDD Zeinert asked about how long a call for artist takes in terms of preparation and materials. And how long should the call be for?

Brown stated that it all depends on the art.

Adams stated that it would depend on where we are pulling from. The Arts Alliance exhibition in August, goes out in February since it is all over Wisconsin. Adams asked where are we going to publicize?

EDD Zeinert the artist that will be painting these electric boxes will be local artist. Is this a concrete thing or do we want to open it to the tri county, the State of Wisconsin or nationally.

Brown feels that if we get local people to at least design it maybe not paint it. Maybe it could be a separation of the design and painting. But would like the first 8 to be local.

Adams asked about how many boxes are there?

EDD Zeinert clarified that there are 8 traffic boxes, but there are other kinds of boxes.

Matthew stated that for the initial, she feels that this should be a local thing.

Mane asked how many artist do we know that live in Whitewater.

Brown stated that Adams knows a lot of local artist but Brown herself knows at least three off the top of her head.

Adams stated that the members of the Arts Alliance should be invited.

Matthew stated she agrees with this, but in the beginning having local buy in would be a good idea. It wouldn't stop us from doing this process.

EDD Zeinert stated that we could do a large call to artist with a note, that we will prioritize local artists.

Brown asked where all the boxes are located.

EDD Zeinert stated that she will ask Brad Marquardt. The boxes are scattered all around town at different intersections.

Brown feels like this could blossom into something else.

EDD Zeinert mentioned that themes have also been talked about. EDD Zeinert was wondering, whether this the body had any themes that they wanted to put forward or just let the community do what they want.

Brown stated let it be the artist choice.

EDD Zeinert stated that what she is hearing is that we should move forward with the call for artists on all eight boxes. And once we get responses we will bring those back to this commission. How long do we want to keep the call for artists open?

Brown stated that winter is a good to think about things. It gives professors time as they are planning their next semester.

Mane stated that the timeframe would have to allow for parent notification since this would be done outside of class time. More likely done in an art club setting. Mane feels the biggest hurdle will be the weather.

Adam suggested that maybe we have individuals take on the priming of the boxes while the weather is more reasonable to allow the canvases to be ready.

Mane stated that this would be a good test of what temperature allows for good adherence. If the primer doesn't stick than the paint won't.

EDD Zeinert stated that putting the call out for artist by the end of 2024. With designs sent to us by the end of February. Which would allow us to bring the designs to this Commission, Public Works Commission and, then to Common Council for approval. Have them start priming at the end of March. Having the painting completed by the first week in May for the Story Telling Festival.

EDD Zeinert asked if she was ok to ask Brad.

Adams suggested getting the priming and prepping done now.

EDD Zeinert explained that we would do the call for artist the same way we do a press release.

Adam suggested that it goes to the student engagement office.

EDD Zeinert stated that she would bring the call to artist notice to the body next meeting. This will all the body to go through it and decide where it needs to go.

2. Discussion regarding setting a day and time for ongoing monthly meetings.

EDD Zeinert asked if Llana should continue to send out a survey for each meeting or should a day and time be established.

Brown stated to send a survey for a day and time to be established.

FUTURE AGENDA ITEMS

ADJOURNMENT

Meeting adjourned at 6:06 p.m.

Motion made by Board Member Adams, Seconded by Board Member Matthew.

Voting Yea: Board Member Adams, Board Member Matthew, Board Member Mane, Council Representative Brown

A quorum of the Common Council may be present. This notice is given to inform the public that no formal action will be taken at this meeting.

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.



Public Art Committee Agenda Item

Meeting Date:	January 9 th , 2025
Agenda Item:	Call for Artist
Staff Contact (name, email, phone):	Taylor Zeinert tzeinert@whitewater-wi.gov 262-473-0148

BACKGROUND
(Enter the who, what, when, where, why)

At our meeting in November the Committee agreed to have staff draft a call for artist for the traffic box art project. Attached to this memo is the Call for Artist, Application, Hold Harmless Agreement, Contract, Map of the traffic boxes, and Photos of the Traffic Boxes.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

- At the November PAC meeting the committee directed staff to draft a call for artist.

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff recommends that you approve the call for artist and the attached documents related there to.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

- Draft of the Call for Artist
- Application
- Hold Harmless Agreement
- Contact
- Map of where the traffic boxes are
- Photos of the traffic boxes



Artful Transformation

City of Whitewater
2025 Traffic Box Public Art Project

Call for Artists

The *Artful Transformation, City of Whitewater 2025 Public Art Project* aims to turn mundane traffic boxes into engaging art pieces, contributing to the aesthetic appeal of our community and enriching the public's daily experience. Each transformed traffic box will become a unique canvas, showcasing the diverse artistic talents of our local and regional artists.

If you are an artist looking for an opportunity to make a lasting impact on Whitewater’s public spaces, we encourage you to apply. Your work could become a permanent fixture in the city, admired by residents and visitors.

Project Name: *Artful Transformation*

Project Mission: Enhance Whitewater’s downtown by transforming **eight** traffic signal control boxes into unique works of public art that celebrate the city’s identity, creativity, and community spirit.

Project Purpose: This initiative seeks to enrich public spaces with vibrant artwork that reflects Whitewater’s heritage, culture, and vision for the future.

Project Sponsor: The City of Whitewater

Project Goals:

Enhance our public spaces by transforming ordinary traffic boxes into artistic features and bring beauty and character to our town that:

- **Showcase Our Local Talent:** Provide a platform for local and regional artists to display their creativity and skills.

- **Celebrate Our Heritage:** Promote themes that honor Whitewater's rich history, diverse community, and cultural tapestry.
- **Engage and Inspire:** Create visually appealing art that captivates both pedestrians and drivers, making every day commutes more enjoyable.
- **NOTE:** Maintenance should be the responsibility of the City of Whitewater.

Eligibility

This project is open to any artists or artist teams, with a preference for those with a strong connection to Whitewater. We welcome all submissions. All participating artists will be required to sign an artist agreement and a hold harmless release.

How to submit a proposal:

Fill out the application available online at www.whitewater-wi.gov or by request that includes:

1. **Proposal Description:** Share your vision with a concept statement, themes, and your preferred locations. See the map of locations for boxes to be painted and choose your first, second and third choices. First come, first served.
2. **Visuals:** Traffic boxes (please see the attached map for location and sizes) are to be painted on all 4 sides and the top. Include sketches or mock-ups of your original proposed designs (no premade patterns or licensed images allowed.)
3. **Budget:** Submit an itemized budget up to \$3,000 per traffic box, covering materials, labor, and a contingency plan.

Accepted brands of paint to use on project:

• **Rust-Oleum Protective Enamel Paint** - Known for its durability and rust resistance, it adheres well to metal surfaces.

• **Krylon Dual Superbond Paint + Primer** - This paint and primer in one provides a strong bond to metal surfaces and a long-lasting finish.

• **Hammerite Direct to Rust Metal Paint** - Ideal for rusted surfaces, it requires minimal preparation and offers a stylish, protective finish.

^a**ARTEZA Outdoor Acrylic Paint** - A versatile set of acrylic paints that are weather-resistant and perfect for outdoor projects.

• **Craft Smart Outdoor Acrylic Paint** - Specifically formulated for outdoor use, it's waterproof and UV-resistant.



- 4. **Resume or Bio:** Tell us about your artistic experiences and your/your team goals. We want to know more about you!
- 5. **Portfolio:** Showcase up to 3 examples of your previous work (if any) with descriptions.

Artist Selection Process: A Public Art Committee will review submissions. This committee is made up of members of the Whitewater Arts Alliance, City Council, local artist, and other knowledgeable officials. We'll be looking for creativity and community relevance.

Ownership: Once finished, the artworks will become part of the City of Whitewater's collection, and artists will be credited for their contribution(s). Participating artists (or a Team Leader) will be asked to sign a contract to confirm their commitment, understanding, and to ensure the project's successful completion.

Submission Details: Please submit your complete digital applications to: Taylor Zeinert at tzeinert@whitewater-wi.gov. Contact her with any questions by phone at: 262-473-0148.

Key Dates:

- **Applications Open:** January 15, 2025
- **Application Deadline:** March 15, 2025
- **Artist Selection Announced:** April 30, 2025 (Notifications of winners will be announced on the City of Whitewater Web Site via press release and sent to all local publications, and in an email to the selected artists.)
- **Paint Period:** June - August 2025
- **Celebration Ceremony:** September 13, 2025 at 10 AM at the Bridge Fountain/ Traffic Box area

We look forward to seeing your creative proposals and celebrating the artistic talents that make our city unique.

Mission statement: The City of Whitewater provides efficient and high-quality services which support, living, learning, playing, and working in an exceptional community.



www.whitewater-wi.gov
Telephone: 262-473-0144

Office of Neighborhood Services
312 W. Whitewater St.
Whitewater, WI 53190

Application Form in Response to the Call for Artist for Whitewater Traffic Boxes

Artist Information

Name of Applicant/Team Leader:

Additional Team Members (if applicable):

Mailing Address:

Phone Number:

Email Address:

Proposal Information

Project Title or Theme:

Proposed Location(s):

Description of Concept (max 500 words):

(Please describe your design concept, including inspiration, themes, and how it reflects the City of Whitewater.)





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Visual Attachments:

- Design sketches/mock-ups included (max 4 images in JPG or PNG format).

Experience and Qualifications

Resume/Bio:

- Resume attached for all team members.

Portfolio:

- Examples of up to 3 previous works attached (include title, size, material, and brief description).

Budget Information

Total Proposed Budget:

\$ _____

Itemized Budget (labor, materials, contingency, etc.):

(Please attach a detailed breakdown of costs.)

- Itemized budget included.

Maintenance Plan

How will the artwork be protected and maintained? (max 300 words):

(Please describe how you will ensure the durability and vibrancy of your design.)



www.whitewater-wi.gov
Telephone: 262-473-0144

Office of Neighborhood Services
312 W. Whitewater St.
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Additional Information

Do you have strong ties or a strong connection to Whitewater, WI? If yes, please describe briefly.

Will you collaborate with local organizations or businesses for in-kind support?

Yes No

If yes, provide details:

Declaration

I certify that all information provided in this application is accurate to the best of my knowledge. I understand that if selected, my design will become the property of the City of Whitewater.

Signature of Applicant/Team Leader:

Date:

Submission Instructions

Submit completed applications and attachments digitally by email to tzeinert@whitewater-wi.gov by **March 15, 2025**. For questions, contact **Taylor Zeinert, Economic Development Director at 262-473-0148**.

ART INSTALLATION AGREEMENT

_____, ("the Artist"), and _____ The City of Whitewater Wisconsin ("the City") hereby agree as follows:

1. The Artist shall design, create and install a mural (the "mural") on the designated traffic located at (Location here). The design of the proposed mural will be approved by the Public Art Committee and Common Council. The Artist shall use high-quality, weather-resistant materials suitable for outdoor use and in accordance with industry standards. The Artist shall complete the Mural by August 30th, 2025.
2. Artist will provide the City with a detailed project timeline, including key milestones. The Artist agrees to adhere to the timeline and notify the City promptly of any delays or changes.
3. The Mural shall become the property of the City upon completion. The Artist retains copyright to the Mural and the right to reproduce images of it for portfolio, educational, or promotional purposes. The City may use images of the Mural for non-commercial purposes, including promotion of public art.
4. The City is responsible for the maintenance and repair of the mural after completion. The Artist shall provide the City with maintenance guidelines upon project completion. The City agrees not to alter, paint over, or remove the Mural without notifying the Artist, expect in cases of emergency.
5. This Contract may be terminated by either Party upon 30 day's written notice. If the Contract is terminated, the Artist shall be compensated for work completed up to the termination date.
6. Any disputes arising under this contract shall first be resolved through good faith negotiations between the parties. If negotiations fail, disputes shall be resolved through mediation or binding arbitrations in accordance with the laws of the State of Wisconsin.
7. This Contract constitutes the entire agreement between the Parties and supersedes any prior agreements or understandings. Any amendments to this Contract must be made in writing and signed by both Parties. This Contract shall be governed by the laws of the State of Wisconsin.

Date: _____, Artist By: _____

Date: _____, City of Whitewater By: _____



www.whitewater-wi.gov
Telephone: 262-473-0144

Office of Neighborhood Services
312 W. Whitewater St.
Whitewater, WI 53190

Item 2.

Whitewater Artful Transformation 2025 Traffic Box Public Art Project

This Agreement (“Agreement”) is entered into by and between the **City of Whitewater** (“City”) and the indemnitor named below (“indemnitor”).

1. Contact Information

Indemnitor Name/Organization: _____

Authorized Representative: _____

Phone Number: _____

Email Address: _____

2. Scope of Agreement

- The Indemnitor agrees to indemnify, defend, and hold harmless the Indemnitee, including its agents, employees, officers, and representatives, from and against any and all claims, liabilities, losses, damages, costs, or expenses (including reasonable attorney’s fees) arising out of or in connection with the public art project known as Artful Transformation. Artful Transformation allows artist to paint traffic boxes located in the City of Whitewater
- **Date of Use:** _____
- **Time of Use:** _____
- **Location of Traffic Box:** _____

4. Damage to Property

The Indemnitor is responsible for any damages caused to the equipment or property during the period outlined in the scope of use and agrees to reimburse the City for repair or replacement costs. In the event the Indemnitor damages any City property, the City will invoice the Indemnitor for the cost of repairs. The Indemnitor shall then make payment to the City within 30 days of the City sending the invoice.

5. Compliance with Rules

The Indemnitor shall comply with all City rules and policies, including but not limited to:

- No smoking or illegal activities on the premises.
- No use of open flames or hazardous materials.





www.whitewater-wi.gov
Telephone: 262-473-0144

Office of Neighborhood Services
312 W. Whitewater St.
Whitewater, WI 53190

- Clean-up of the space after use.

In the event the Indemnitor violates any rules or policies, the City may terminate this Agreement immediately and may refuse to rent to the Indemnitor in the future. The City will invoice the Indemnitor or any costs incurred by the City resulting from the Indemnitor’s violation of any rules and policies, and Indemnitor shall pay the invoice amount within 30 days of the City sending the invoice.

7. Indemnification

The Indemnitor shall indemnify and hold harmless the City, its owners, and employees from any and all claims, liabilities, damages, or expenses arising from the Indemnitor’s use of the traffic box or city related property.

8. Governing Law

This Agreement is governed by the laws of the State of Wisconsin.

9. Acceptance of Terms

By signing below, the Indemnitor acknowledges that they have read, understood, and agreed to the terms of this Agreement.

Indemnitor Signature: _____

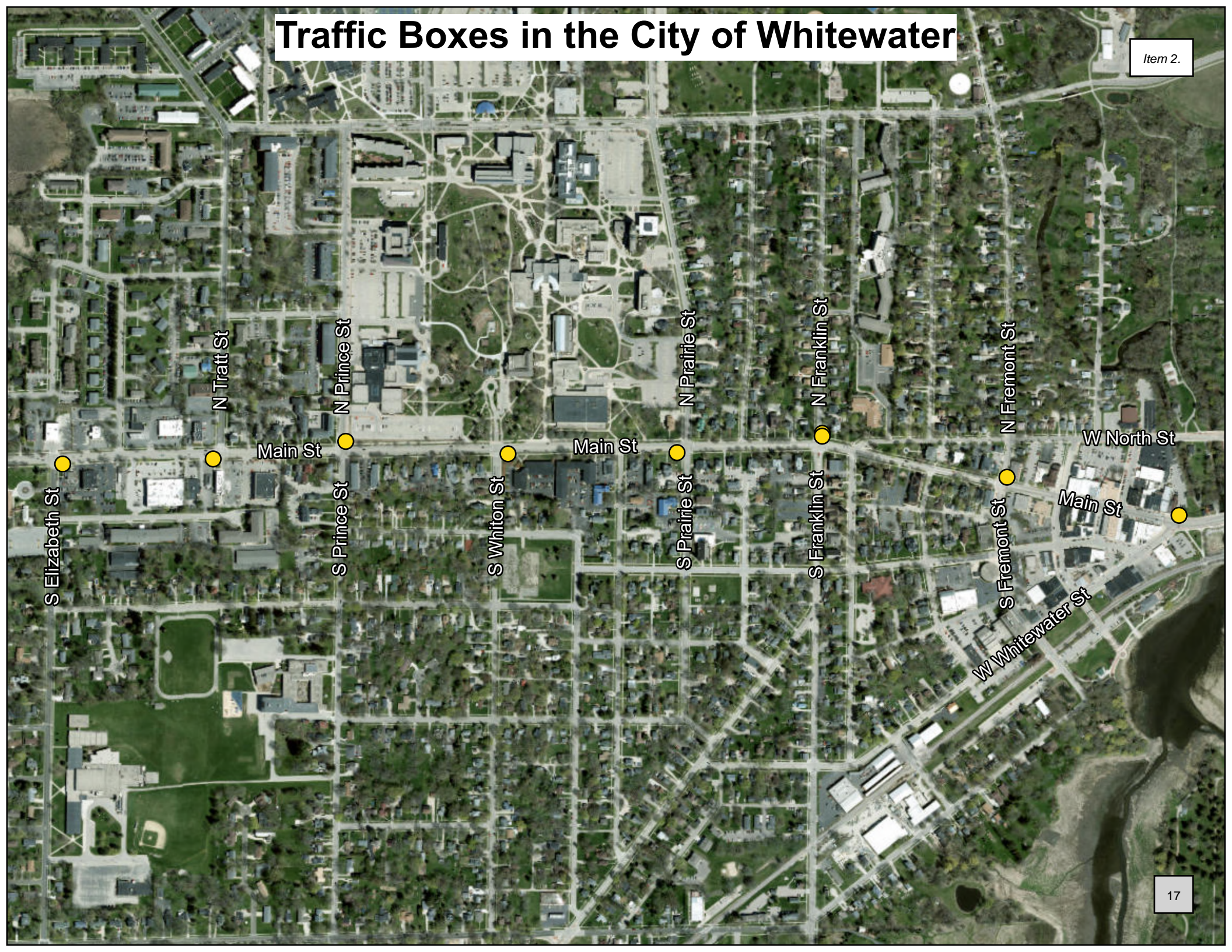
Date: _____

City Representative: _____

Date: _____

Traffic Boxes in the City of Whitewater

Item 2.



Corner of W Whitewater and Main



Corner of N Franklin and W Main- 2nd Box



Corner of N Franklin and W Main- 2nd Box



Corner of S Prarie and W Main



Corner of S Whiton and W Main



Corner of N Prince and W Main Street



Corner of N Tratt and W Main



Corner of S Elizabeth and W Main





Public Art Committee Agenda Item

Meeting Date:	January 9 th , 2025
Agenda Item:	Good Governance
Staff Contact (name, email, phone):	Taylor Zeinert tzeinert@whitewater-wi.gov 262-473-0148

BACKGROUND
(Enter the who, what, when, where, why)

As this group continues to meet regularly staff wanted to provide you with a copy of the Good Governance Manual. This manual serves as a guide for appointed and elected officials. The manual is given to all board, committees, and commissions.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENT(S) INCLUDED
(If none, state N/A)

- Good Governance Manual

Chapter 12.46 PUBLIC ARTWORK

12.46.010 Declaration of purpose.

These regulations relating to community art in the city of Whitewater (hereafter referred to as the "city") further the following purposes:

- (1) Public artwork is meant to be seen, but more so experienced, as a work of art can help inspire and provide perspective no matter what the subject at hand. Artwork should be proposed in the following areas and ways:
 - (A) Integrating public artwork into parks, greenbelts and other public locations.
 - (B) Building cohesion through projects that engage the public.
 - (C) Using art as a way to celebrate, reflect and enhance the character and history of a space.
 - (D) To add interest to public spaces.
- (2) In developing its vision for the future of the city, the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic value. Community art strengthens public places and enhances and promotes Whitewater's identity as a livable and creative city and a desirable place to live, work and visit. Therefore, the council wishes to implement a process and provide opportunities to involve artists in the design, implementation and integration of art in community projects.
- (3) The presence of works of art and decorative elements in public places in the city enhances the quality of life, promotes the general welfare, maintains the quality of the environment and property values, and enhances the attractiveness of the city for residents and visitors.
- (4) Identifying locations for public works of art and decorative elements and participating in the building of a community art collection of high quality can be stimulating and unifying for the city and contribute to civic pride reflective of the city's diversity.
- (5) The artwork is intended for public owned spaces and the following zoning districts: B-1, B-1A, B-2, B-3, M-1, M-2 and WUTP.
- (6) Public artwork is defined as art in any media that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all. Public artwork is significant within the art world, amongst curators, commissioning bodies and practitioners of public art, to whom it signifies a working practice of site specifically, community involvement and collaboration.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.020 Permitted use.

- (a) Creative Building Art.
 - (1) A noncommercial message, picture, scene, sculpture, or diagram exhibited on the outside wall of a building or structure through the application of paint, canvas, tile, panels, clay, wire, plaster or similar materials such that the wall becomes the background surface or platform for the creative building art.

-
- (2) A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message.
 - (3) For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.
 - (4) May be considered a wall sign or commercial message if it contains words, logos, trademarks, or graphic representations of any person, product, or service for the purpose of advertising or identifying a business.
- (b) Vintage Building Art.
- (1) Must be at least twenty-five years old or an exact duplicate of an original work of art where the combined age of the exact duplicate and original work of art is at least twenty-five years.
 - (2) Possess unique physical design characteristics, such as size, configuration, message, color, texture, etc.
 - (3) Be of extraordinary significance to the city, regardless of the use identified by the work of art.
- (c) Public Art Installation.
- (1) The art location may be a facility, amenity, or project that does not contain any commercial message and which is an "approved public arts project".
 - (2) Consisting of:
 - Acquisition or placement of publicly accessible works of art;
 - Provision of arts or cultural services; or
 - Restoration or preservation of existing works of art.
 - (3) Additionally, public art installations are included in this chapter to ensure that all community art (whether a mural or other object) is treated similarly and does not conflict with the city's regulations pertaining to commercial messages and signage.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.030 Site selection.

The site must be public property or private property with written permission. Sites must be situated so that the art is visible and accessible to all members of the community. Additionally, the artwork must not seriously disrupt the flow of pedestrian or vehicular traffic or adversely alter the environmental conditions of the selected site. Structural and maintenance issues of the prospective artwork will also be considered when selecting a site, as some areas will be prone to public interactions with the art. In selection of a site the public works department should be notified to insure that any existing utilities will not be affected. A work installed in these areas must be structurally sound to ensure the safety of the community as well as the longevity of the work.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.040 Accession.

All works of art purchased, commissioned or accepted as donations become property of the city of Whitewater. All city artwork is maintained by the city and included in an inventory kept by the public art committee.

People wishing to donate artwork to the city must submit slides, a written description of the work, and a rationale for the gift. The public art committee will review the submitted piece for quality, maintenance requirements, donor stipulations, safety issues of the piece, availability of an appropriate site, and advice of the administrators at that site. Based on this review the public art committee will either accept or decline the donation.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.050 Selection processes.

There are three standard ways of purchasing a piece of art. In addition to these, the city may acquire artwork through gifts. For each of the processes outlined, the public art committee and city's acquisition procedures will be used.

- (a) **Open Competition.** Artists submit proposals in response to a public advertisement. The selection committee then reviews the proposals and recommends an artist or artists for acquisitions or requests more detailed proposals from selected artists.
- (b) **Limited, Invitational Competition.** The public art committee recommends a limited number of artists on the basis of an interview or review of work. The artists are then invited to develop a site-specific proposal for a particular project. The artists are given an honorarium and all the necessary information as well as the opportunity to present a model and proposal to the committee. The selection committee then reviews the submitted proposals and recommends acquisitions. This process might be most appropriate for art projects calling for collaboration between an artist and an architect or landscape artist.
- (c) **Direct Invitation.** In this process, if there is a majority of the public art committee that feels one artist is particularly well qualified for a project s/he might be invited to submit a proposal and a model thereby bypassing the competition process. This process may be suitable should the appropriate situation arise (skip to subsection (d)(8) below).
- (d) **Acquisition Procedures.**
 - (1) Public art committee defines the project, i.e., location of work or capital project with which art is associated, and the method of selection. Methods of selection may include open competition; invitational competition; or direct selection.
 - (2) Public art committee defines parameters of project to be used in the call for artists or direct selection, develops a budget for the project, and drafts a proposed call for artists or artists selection for city council approval. Public comment will be invited before the public art committee. For direct selection, proceed to step (8).
 - (3) City council considers proposal.
 - (4) Public art committee determines need for panel to work on selection process for project and identifies participants. Panels will include members of the public art committee, design professionals, and representatives of the user group/neighborhood.
 - (5) Public art committee reviews initial submittals, which include the artist's experience and qualifications, references, and preliminary proposal(s) for the project or specific works of art, to determine compliance with the call for artists.
 - (6) The panel, if convened by the public art committee, selects two or three semi-finalists from the group of qualified artists submitted to the panel by the public art committee. The semi-finalists may be asked to submit refined proposal(s). Semi-finalists may be paid a fixed honorarium, costs of travel and a per diem, depending upon the approved budget.

- (7) The public art committee reviews the submittals of the two to three semi-finalists. The artist(s) may present their work at a public meeting. The artists' work is displayed in a public place for up to one week. Written comments from the public will be invited during this week. A public forum is held for discussion and input to the public art committee on selection of the preferred artist. The public art committee recommends the finalist to the city council.
- (8) City council approves or denies the selection. Denial requires direction to the public art committee from the city council and beginning the process again at the appropriate step.
- (9) After an affirmative vote by the council, the public art committee works with selected artist on refinement of concept, timeframe for completion of work, final budget, and approves the contract for work.
- (10) The public art committee recommends contract to city council.
- (11) City council approves contract.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.060 Maintenance.

Before a work is accepted into the city's collection, the artist must submit:

- (1) A detailed list of exact types, brands, and colors of materials used.
- (2) A summary of cleaning instructions.
- (3) Estimated annual maintenance needs and costs in dollars.

This information will be kept on file with the inventory of the city's collection. Any maintenance or restoration responsibilities that the artist might have must be clearly explained in the contract and agreed upon before the work becomes a part of the city's collection. A maintenance and inspection schedule suitable for the site and the work will be discussed with the artist and implemented upon possession of the work. Complete records of inspections, cleanings, and conditions of the works will be kept on file in the inventory. If a work in the city's possession becomes damaged in any way, the city may contact the artist to see if s/he can make the necessary repairs, or contact the necessary agencies or conservators to repair the work.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.070 Deaccession/relocation.

After due consideration, the city council may authorized the removal of a work. To remove a piece one or more of the following situations must exist:

- (1) The artwork in its present state poses a safety hazard to the public or the environment.
- (2) Restoration of the work aesthetically and/or structurally is not feasible, or the expense of such restoration would be disproportionate to the value of the work.
- (3) The architectural support (building, wall, streetscape) is to be removed or destroyed if relocation of the work is not feasible.
- (4) Prolonged protest of the work persists to the extent that the work detracts rather than enhances the site and the community.
- (5) The work acts as an encumbrance to the use of public property.

- (6) The public use of the site has changed or is proposed to change in a manner that is no longer compatible with the artwork.
- (7) If a work is to be moved/modified, the artist must be notified before the change, if at all possible. In the instance that a work must be removed from the city's collection, the artist must be notified and given the opportunity to purchase the art from the city. In all situations, the rights of the artist will be respected as defined in the Visual Artists Rights Act of 1990, unless waived by the artist.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.080 Community initiated public art.

The community initiated public art application should be completed and submitted with proposals to the public art committee for their review and possible recommendation to the city council for final consideration.

Applications can be submitted to neighborhood services department at the city of Whitewater located at 312 W. Whitewater Street. Applications must be submitted no less than one week prior to the "public discussion of any item not on the agenda". Applications presented at "public discussion" cannot be officially discussed or acted upon by the public art advisory committee until the next meeting when it can be placed on the agenda.

(Ord. No. 1900A, § 1, 8-4-2015)

12.46.090 Public art committee.

This committee acts in the public interest on all matters relating to the public art ordinance including the selection, placement, and maintenance of works of public art throughout the city. The committee provides public input in the administration and planning of the public art.

Membership. The membership of this committee shall be appointed by the procedure set forth in Section 2.12.011 and shall be comprised of five members. Composition is specified as follows:

- One member from the Whitewater Arts Alliance.
- One member from board of common council or their designee.
- One member of Downtown Whitewater.
- Two members who are private citizens of the city of Whitewater with demonstrated knowledge and appreciation for visual art.
- As the need arises, the committee may appoint nonvoting ex-officio members to provide expertise or otherwise represent a particular interest unique to a location or characteristic of a work of art.

Terms. Members shall serve three-year terms.

(Ord. No. 1900A, § 1, 8-4-2015)



Good Governance Manual



Prepared by: Common Council/City Manager

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City of Whitewater Good Governance Manual

Municipal Official Orientation Manual A Guide for Elected and Appointed Public Officials in the City of Whitewater

A Welcome to Public Officials

Welcome to the world of public service. As a newly elected or appointed official in the City of Whitewater, there is much to learn about the inner workings of city government and the city organization as a whole. However, do not be intimidated; any effort you put forward in learning the ins and outs of municipal government operations will be greatly rewarded through the positive impact you will be able to make on the Whitewater community. Citizenship demands the shouldering of civic responsibility by all those who would preserve the freedoms we all enjoy. By virtue of your appointment, you have become an example of true citizenship for your peers in the Whitewater Community.

While government is often thought of as redundant or inefficient, good government actually makes all our lives better by preserving a sure foundation on which to build our families, businesses, and communities. By giving of your time and talents to benefit your community, you will serve as a positive example to your fellow community members, but you will also have the opportunity to leave a valuable legacy for those that will follow after you.

This manual has been prepared to aid you in gaining a basic understanding of some of the fundamentals of conduct and operations within city government. Please feel free to refer to this manual often. City ordinances and city staff can also be valuable resources in helping to guide you in your efforts to serve the community.

Welcome and congratulations on your new role as a public official!

City of Whitewater Good Governance Manual

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**City of Whitewater
Public Official Code of Conduct
Good Conduct for Effective Governance**

Statement of Purpose

It is the goal and expectation of the City of Whitewater that all public officials (elected or appointed) strive to uphold, exhibit, and promote civil and ethical conduct in public forums and maintain the highest standards of personal conduct, integrity, truthfulness, and fairness in carrying out their public duties. To this end, the following code of conduct has been developed to help illustrate the characteristics public officials are encouraged to emulate while in office.

Code of Conduct for Public Officials

As a representative of the City of Whitewater, public officials are encouraged to help strengthen the community by building public trust, encouraging open dialogue, maintaining transparency and actively sharing ideas and opinions with others in thoughtful and considerate ways. The following list of behaviors and practices helps to illustrate the high standards expected of those in public office.

1. **Be Informed:** Endeavor to read the packet material provided before each meeting, keep informed on all local, state and national developments of municipal significance, and arrive at each meeting prepared to conduct City business in a meaningful manner.
2. **Pay Attention:** Strive to be aware of others and sensitive to the immediate context of actions taken.
3. **Listen Closely:** Strive to understand other points of view, to seek first an understanding of what other individuals or groups may have to say before making any final decisions related to business being conducted.
4. **Be Inclusive:** Welcome and encourage participation of all parties involved in the discussion on any issue, excluding none.
5. **Avoid Gossip:** Discourage and avoid the spread of gossip, which can undermine the public process.
6. **Be Agreeable:** Actively look for opportunities to agree on community issues and in all other cases, be civil and cordial, agreeing to disagree without being disagreeable.
7. **Show Respect:** Show respect for the viewpoints of others and refrain from abusive conduct, personal charges, derogatory remarks or verbal attacks upon the character, actions, or opinions of others, whether they be elected or appointed officials, city staff, or the public. Avoid pursuing any conduct or action calculated to embarrass another public official or any member of the public. Praise in public and reprimand in private. When debating or commenting in a meeting, focus on the issue and avoid negative comments regarding the groups or individuals involved.
8. **Be Honest and Transparent:** Practice and encourage full and open disclosure by participating openly and transparently in meetings and activities as required by law. Practice and encourage this same openness by providing full explanations of the intent and motives behind actions to fellow board or committee members. Refrain from withholding or concealing any information or matter in which fellow committee members should be concerned.

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9. **Maintain Confidentiality:** Respect and maintain the confidentiality of information that cannot be disclosed (i.e. information from a closed or executive session) by not divulging said information at any time while outside of a closed or executive session. In all ways protect and maintain the security of confidential records.
10. **Demonstrate Proper Meeting Etiquette:** Observe proper decorum and behavior in meetings and refrain from interrupting other speakers, making personal comments not related to the discussion or otherwise interfering with the orderly conduct of the meeting.
11. **Accept Responsibility and Be Sincere:** When mistakes or misunderstandings occur, the best way to move beyond the incident and to restore public trust is to be honest. Accept full responsibility for personal actions and opinions, avoid shifting blame to other groups or individuals. Be open and upfront regarding disagreements. Endeavor to repair damaged relationships, including openly and promptly apologizing where appropriate.
12. **Put City Interests First:** Always strive toward achieving the common good for the community by pursuing those decisions, actions and initiatives that are best for the community. Avoid conflicts of interest. At all times, place duty to uphold the law and duty to pursue organizational goals and objectives above personal interests.
13. **Seek No Personal Advantage:** Public officials, especially those that are elected, stand as agents of the public purpose and should conduct themselves in an open, fair and impartial manner. When it comes to municipal rules, laws, or services, do not seek special treatment for others, whether they be neighbors, friends, coworkers, employers, or family. Do not use the municipality or any part of a municipal program for personal advantage or for the advantage of others. Strive to live and serve in a manner that is above reproach and avoid the appearance of impropriety.
14. **Uphold the Democratic Process:** Perform duties with diligence and in accordance with the rules of order established by the common council, board, commission, or committee conducting business. Recognize that the authority to take formal action to direct or recommend rests with the common council or its designated committee in legal session and not with any individual members of said bodies. Public officials may express opposition to an action made by their respective committee(s). However, do not publicly criticize individual committee members or the committee as a whole for said action when the action has been properly presented, voted on, and passed by a majority vote. Ensure that citizen involvement and citizen opinions regarding public policy issues are fully considered.

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Municipal Official Orientation Manual
A Guide for Elected and Appointed Public Officials in the City of Whitewater

General City Information

Municipal Government Structure in Wisconsin

Cities in Wisconsin are incorporated municipalities that are created at the request of their inhabitants to perform local services. The Wisconsin Supreme Court has stated that municipalities are, “established by law to assist in the civil government of the state and to regulate and administer the internal or local affairs of the territory within their corporate limits.” Because municipalities were created by the state, they have been referred to as “creatures of the state.” As creatures of the state, municipalities have no inherent powers and have only the powers given them. Wisconsin cities are fortunate in that they have been granted extensive “home rule” powers. Home rule is the ability of cities to govern themselves in local matters without state interference. Wisconsin municipalities have two sources of home rule authority: (a) constitutional and (b) statutory or legislative. For more information on home rule, see the *Handbook of Wisconsin Municipal Officials*.

Class of Cities

The municipality of the City of Whitewater is organized as a 4th Class City under Wis. Stats. Chapter 64.

Council-Manager Form of Government

Per Municipal Code of Ordinances Chapter 2.04.010, the City of Whitewater is organized under the city manager plan of government as outlined in Wis. Stats. Chapter 64. This means that the city is governed by a common council composed of seven members, one councilmember from each aldermanic district in the city and two councilmembers at large. The city manager oversees the day-to-day operation of the city government and labors to ensure that policy direction provided by the common council is carried out efficiently and effectively.

The City Manager

The city manager serves as the chief executive officer for the City and oversees the day-to-day operation of all city departments. The city manager carries out the policy direction provided by the common council. The city manager possesses the sole responsibility for the creation and elimination of employment positions within the city and the discipline and/or termination of employees with the exception of those positions falling under the authority of the Police and Fire Commission. The city manager, together with the common council president, reviews and then recommends the appointment of individuals to serve on the various boards, committees, and commissions of the city government. The city manager is appointed and serves at the pleasure of the common council.

For more details regarding the office of city manager, see Whitewater Municipal Code of Ordinances Chapter 2.12 and Wis. Stats. Chapter 64.

The Common Council

The common council is composed of one councilmember from each of the five aldermanic districts in the City and two councilmembers at large. The term of office for each councilmember is two years, at which point the councilmember can seek reelection.

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The common council is the highest legislative body in the local government of the City of Whitewater. As such, the common council has full legislative authority over all aspects of city government. Unless otherwise stated in local ordinance or state statute, the common council is responsible for final approval of all recommendations and actions proposed by standing and/or ad hoc committees. The common council appoints the city manager and confirms committee appointments recommended by the city manager and common council president. The common council possesses authority to enact ordinances, adopt resolutions, and otherwise establish policies for the long-term benefit of the City of Whitewater.

It is important to note that the common council is only empowered to act on behalf of the City when a majority of councilmembers is present. Individual members of the common council possess no legislative authority in and of themselves.

The Common Council President

The common council president is elected at the first meeting after the election of new councilmembers. This occurs on the second regularly scheduled meeting of April each year. A president pro tem is also elected to serve the role of president when the common council president is absent. The common council president presides over and conducts meetings of the common council. As the first among peers, the common council president is responsible for preserving “order and decorum” at each meeting.

Boards, Committees and Commissions

The common council is the policy-making body for the City. Unless otherwise endowed with specific decision-making authority, all committees serve in an advisory capacity to or for the common council.

City ordinances allow for a number of standing boards, committees, and commissions that provide direction and input on policy development for specific areas of city administration. Membership requirements vary by the type and purpose of each committee. However, these committees are typically comprised of at least one councilmember and a number of community members that reside within the City’s jurisdictional boundary. The following list includes all standing committees currently established by ordinance.

- Alcohol Licensing Review Committee (Ch. 5.20.025)
- Board of Review (Ch. 2.60)
- Board of Zoning Appeals (Ch. 19.72)
- Community Development Authority (Charter Ord. No. 4)
- Community Involvement & Cable TV Commission (Ch. 2.50)
- Disability Rights Commission (Ch. 2.46)
- Ethics Committee (Ch. 7.04)
- Finance Committee (Ch. 2.47)
- Lakes Advisory Committee (Ch. 2.73)
- Landmarks Commission (Ch. 17.08)
- Library Board (Ch. 2.56)
- Parks & Recreation Board (Ch. 2.52)
- Plan & Architectural Review Commission (Ch. 19.06)
- Police and Fire Commission (Ch. 2.28)
- Public Works Committee (Ch. 2.45)

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- Urban Forestry Committee (Ch. 2.12)
- Whitewater University Technology Park Board

Committee Appointments

Individual committee appointments occur annually, typically at the first common council meeting following the Spring Election. However, due to unexpected vacancies or resignations, appointments can occur at any time throughout the year. The process for filling committee vacancies is as follows:

1. Vacancies are announced via the city website, social media, and the official newspaper prior to any appointment being made.
2. A standard application form shall be provided in electronic and hard copy for use by all applicants (including incumbents wishing to be reappointed).
3. Once applications are received, they are compiled by the city clerk and delivered to the city manager and common council president for review.
4. The common council president and city manager review applications and arrange for face-to-face meetings with applicants. If schedules do not permit a face-to-face meeting, this step can be completed by phone or web conference.
5. The common council president and city manager convene to discuss applicants and select candidates for recommendation to the common council. Recommended appointments are placed on the agenda for the next common council meeting for approval.
6. The common council deliberates on the recommended appointments and approves or denies the appointments.
7. Individuals who have been successfully appointed to a committee are then contacted by the City Manager's designee and a date is set for orientation.
8. The new committee member attends a committee member orientation as soon as possible following appointment.

Criteria for the Appointment of Committee Members

When considering applicants for appointment to a committee, the city manager and common council president will look at a variety of factors that includes, but is not limited to the following:

Availability: Regular attendance at committee meetings is mandatory. If a committee member fails to attend three consecutive regular meetings, or fails to attend at least three-fourths of the regular meetings during the preceding 12 months, s/he may be replaced.

Number of Previous Terms (Incumbents): Unless otherwise stated in ordinance, no member of any committee can serve for more than two consecutive terms. If an applicant has served for two consecutive terms, s/he must have been off said committee for at least one term before reapplying for appointment.

Knowledge and Life Experience: Relevant life experience, whether personal or professional, can provide added value to the composition of a committee and is often viewed favorably in the selection process.

References: References are an important resource in helping to identify applicant strengths and weaknesses as part of the selection process.

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Residency: While some committees do not require residence within city limits, the majority will require residency within the boundaries of the Whitewater Unified School District or within the municipal limits of the City of Whitewater.

Other Factors: The ultimate goal of the city manager and common council president when making committee appointments is to ensure committees are filled by diverse and competent individuals capable of making sound decisions and capable of working together even when opinions may differ. With this goal in mind, a full range of additional factors may be considered with each appointment, and some factors may vary depending on the vacancy needing to be filled. Things such as political background, prior public service experience, and professional and personal relationships with current committee members may all be relevant.

All about Public Meetings

All meetings of the common council or any other established committee must be open to the public pursuant to open meetings law, with few exceptions (see Closed Sessions, page 8). The intent of the law is to ensure that council action and deliberation is conducted openly. All regular and special meetings must be publicly noticed with an agenda that includes a specified time and date in advance of the meeting.

Public meetings, whether of the common council or another municipal committee, serve as a showcase of municipal government for the people of Whitewater. Meeting attendees can often include journalists and reporters for local news outlets, university students, representatives from community groups, and interested residents. Common council meetings are broadcast live and meeting business is often the subject of newspaper articles the following day. In short, many eyes are on each meeting with the public often basing its opinion of the entire City on how efficiently committee meetings operate.

The following subsections provide important information regarding the conduct of common council meetings. The guidance herein given also extends to the many standing committees and commissions established by ordinance.

Meeting Schedules

As established by ordinance, the common council is required to meet at least once per month. Regular meetings are held on the first and third Tuesdays in each month. Meetings begin at 6:30 p.m. If a common council meeting date falls on an election day or a holiday, the meeting is held on the Thursday of the same week instead. All other committees should maintain a regular meeting schedule and make sure the schedule is posted on the committee's webpage. The regular meeting schedule should also be provided to the city clerk for the municipal record.

Special Meetings

When at all possible, municipal committees, especially the common council, should endeavor to conduct business during regular meetings. However, circumstances may, at times, call for a meeting outside of the regular meeting schedule. These meetings are referred to as "special meetings." When circumstances warrant a special meeting, the staff person responsible for the committee should work with the committee chair to establish a meeting time when a majority of committee members can attend. In the case of the common council, the city manager is primarily responsible for arranging the meeting; however, the city manager will typically work with the common council president to arrange the meeting at a time when the largest number of councilmembers are available. Posting of the special

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meeting should comply with the requirements set forth in the Whitewater Transparency Enhancement Ordinance (Ord. 2.62).

If a minority of committee members disagree with the calling of the special meeting, said committee members can submit a written objection for the meeting record. In lieu of submitting a written objection, language can be placed on the next regular meeting agenda calling out the objection. This allows the objecting party an opportunity to voice their objection, which is then added to the minutes for the meeting.

Electronic Devices

Electronic devices such as smart phones, tablets, Chromebooks and laptops have become commonplace in the Whitewater community. Use of electronic devices during a public meeting is encouraged when the device is used as an alternative to printed materials, to look up information relevant to the discussion items, or a similar use that supports the discussion at hand. Use of electronic devices for other irrelevant uses is discouraged.

City staff provides all common council members with an electronic copy of posted packet materials in advance of the meeting via email. City departments may also provide an electronic version of packet materials to other committees. The City maintains a number of Chromebooks which can also be used by public officials during meetings to reduce or avoid the need for paper copies of meeting materials. Chromebooks can be made available to public officials upon request. A request must be provided ahead of time so that the device can be ready at the start of the meeting.

Electronic Communications

During public meetings, electronic messaging (text, email, IM, etc.) should not be used for private communication. While use of electronic devices is encouraged, encouragement comes with the expectation that devices will be used for meeting business and personal communications will be avoided. Public officials should not correspond via electronic messaging on agenda items during the meeting, unless the conversation will be publicly shared with the full common council as part of the meeting discussion. Electronic communications sent or received by Council Members during a meeting may create public records subject to disclosure under Wisconsin's Public Records Law, and may be attributed to the City and the Council.

If the need to make a personal communication arises during the meeting, public officials should step out of the meeting room to communicate. No device should be used by a public official for personal entertainment while a meeting is in session.

Packet Materials

In general, meeting materials are provided in advance of every meeting. Hard copies of meeting materials are usually distributed three to four days in advance of the meeting. Common council packets, for example, are distributed to common council members on the Friday before the next meeting. Public officials are expected to review meeting materials provided in the packet prior to the meeting so that they can more effectively contribute to the discussion for each item on the agenda.

Questions of Staff

City staff welcomes questions related to agenda items. When questions are shared with staff in advance of the meeting day, additional material to help answer the question can usually be provided by the start of the meeting. Questions during meetings are, of course, welcome also, but some questions may

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require additional staff research thus delaying a response until the next meeting.

Meeting Records

Meetings of the common council, community development authority, plan and architectural review commission, and police and fire commission are required to be recorded on video per the Whitewater Transparency Enhancement Ordinance Ch 2.62. The common council and the plan and architectural review commission are also broadcast live a. In addition, the city clerk, under the direction of the city manager, is responsible for maintaining meeting records including documenting the minutes of the proceedings at each public meeting. Due to the number of potential meetings, most committees are assigned a specific city employee to serve as meeting support, distributing agendas and keeping minutes.

Closed Sessions

While meetings are required to be open by law, there are situations where the best interest of the City demands a confidential discussion. Closed sessions are allowed under Wisconsin Statutes for a limited list of circumstances. Items discussed in closed session should not be shared outside of closed session or with persons not party to the closed session discussion. The importance of maintaining confidentiality surrounding items discussed in closed session cannot be overstated. It is also important to limit closed session discussions to the topic(s) noted on the agenda. Discussion of issues other than what is posted on the agenda and what qualifies as permissible in closed session is a violation of state law with violators subject to a fine.

Rules of Order

The common council has the authority by ordinance to determine its own rules of procedure. However, *Robert's Rules of Order* serves as a general guideline for setting procedures in meetings. Specific details regarding the conducting of meetings can be found in the Whitewater Municipal Code of Ordinances, Chapter 2.08.

Setting the Agenda

By local ordinance, the agenda for meetings of the common council is set by the city manager. Councilmembers wishing to add agenda items should make their request no later than ~~one week~~ noon 6 business days prior to the meeting. Councilmembers can make requests by contacting the city manager directly, or by contacting the city clerk who will then notify the city manager. The city manager will honor all legal agenda item requests made by a councilmember. However, if the city manager anticipates a long meeting or that a particular item requested will be contentious and result in a lengthy meeting, s/he may contact the requesting councilmember to discuss setting the item for a future meeting agenda. Specific details regarding setting the agenda can be found in the Whitewater Municipal Code of Ordinances, Chapter 2.08.

For all municipal committees outside of the common council, meeting agendas should be set by the committee chair. In cases where there is a staff person assigned to support a particular committee or commission, the staff member should assist in drafting the agenda, ensuring that the agenda complies with standard formatting guidelines. Just as with requests made by councilmembers, the committee chair should honor requests for agenda items that are submitted by committee members. If a question or concern regarding a potential discussion item arises, the committee chair should consult with the assigned staff person, the city clerk, or the city manager for guidance.

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Meeting Attendance and Participation

To ensure that voting members are well versed on the issues facing the board or commission, regular attendance is mandatory. In the event that a member fails to attend three consecutive, regular meeting or fails to attend at least three-fourths of the regular meetings during the preceding twelve months, the board may request that the common council select another individual to serve out the member's term.

Code of Ethics for Public Officials

The municipal government of the City of Whitewater can only be as effective as it is independent, impartial and responsible to the people. For this reason, all public officials, whether elected, appointed, or otherwise employed by the City of Whitewater are expected to adhere to ethical standards as outlined in Wis. Stats. Secs.19.41-19.59 and as outlined in chapter 7 of the Whitewater Municipal Code of Ordinances, which is included at the end of this manual.

Prohibited Conduct

In general, the state ethics law as referenced above, prohibits the following conduct:

Use of Office for Private Gain: Public officials are prohibited from using their offices to obtain financial gain or anything of substantial value for the private benefit of themselves, their immediate families, or organizations (including employers) with which they are associated (see Sec. 19.59(1)(a), Wis. Stats.).

Offering or Receiving Anything of Value: No person may give and no public official may receive "anything of value" if it could reasonably be expected to influence the local public official's vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction (see Sec. 19.59(1)(b), Wis. Stats.).

The City of Whitewater Ethics Code incorporates Wisconsin statutes related to bribery, misconduct, special privileges, and open meetings. Additionally, it further enumerates specific conflicts of interest, including incompatible employment, private interests, and contracts with the City.

When to Recuse Oneself

While the full code of ethics as outlined in ordinance is at the end of this manual, the subject of recusing oneself is worth mentioning here. To recuse oneself from a discussion essentially means to remove oneself from discussion to avoid a conflict of interest.

Public officials should recuse themselves from discussion when there is a clear conflict of interest. In such cases, recusal does not just mean abstaining from a vote, but means instead to step away from the discussion of an item completely.

When a public official recuses himself or herself from discussion and action on a particular item, the recusal is noted in the minutes of the meeting. In most cases, it is appropriate, though not required, for the recused public official to leave the room where public discussion is taking place to ensure that they can have no influence on the discussion or final action in any way.

Ex Parte Communications

The Plan Commission Handbook Second Edition 2012, Rebecca Roberts, University of Wisconsin Extension, pages 15 and 16, describes how public officials should avoid ex parte communications regarding quasi-judicial matters pending or that may come before the council, a committee,

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commission, or board. These decisions often involve application of laws, such as ordinances, (for example a request for a conditional use permit). It states:

“[Public officials] should not have conversations or receive correspondence regarding a quasi-judicial matter that is pending before [the city] or which may come before [the city] except during a noticed meeting or hearing on the matter. Such outside contacts are known as “ex parte communication.” Ex parte communications may not be considered in decision-making

unless it is disclosed and made part of the official record in the matter. The [body] as a whole can then determine the admissibility of the information and individual members can determine its credibility and weight in deciding their vote on the issue.

The reason for exclusion of ex parte information is that parties are entitled to know and examine the source of information used by [the city] in its decision-making. Outside discussion regarding procedural matters such as scheduling a meeting or explaining how to file an application is permissible. Ex parte communication is not a concern when enacting legislation or making administrative decisions (i.e. issuing simple zoning or building permits).”

In order to avoid ex parte communications, the handbook recommends:

1. Suggesting that members of the public present information in an open meeting or hearing or submit a written comment.
2. Disclosing ex parte communications at an open meeting or hearing and make the information part of the record so that it can be considered in decision making.

Open Meetings and Open Records

Wisconsin has a long history of promoting open government. As a local government conducting business that has a direct impact on residents, the City of Whitewater also values and appreciates the importance of maintaining transparency. For this reason, it is imperative that public officials endeavor to comply absolutely with state laws related to public meetings and public records.

Open Meetings Law

Wisconsin’s open meeting law is found in Wis. Stat. Secs. 19.81 - 19.98. Essentially, the open meeting law requires that all meetings of all governmental bodies be preceded by public notice and be publicly held in places reasonably accessible to the public and open to all citizens at all times unless otherwise expressly provided by law. For the purpose of this manual, it is safe to conclude that, in general, all discussions, deliberations, actions, or inquiries conducted by a governmental body (meaning the common council or any other municipal committee) should be conducted in an open meeting unless otherwise specifically mentioned in Sec. 19.85(1) (a-j). More information regarding open meetings can also be found in chapter 7 of the League of Wisconsin Municipalities publication, *Handbook for Wisconsin Municipal Officials*.

Whitewater Transparency Ordinance

In addition to open meeting rules as established by state law, the City of Whitewater has enacted a Transparency Enhancement Ordinance (Whitewater Ordinance Chapter 2.62) which provides additional open government requirements such as a seventy-two hour in advance meeting notice posting for meetings and adding agenda items. This is greater than the State statutory twenty-four-hour requirement normally applicable to cities. If the seventy-two-hour requirement has not been met, the

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item can only be taken up by the body by an affirmative vote of the members voting.

Walking and Negative Quorums

There are two important circumstances where a group of committee members, less than a quorum in number, could gather together and still violate the open meeting law. These two situations are referred to as “walking quorum” and “negative quorum.” The following sections were taken from Chapter 6 of the *Wisconsin Legislator’s Briefing Book for 2017-2018* and provide details regarding court cases wherein walking and negative quorums were defined.

Negative Quorum: The applicability of the Open Meetings Law to a gathering of less than one-half of the members of a governmental body has been addressed by the Wisconsin Supreme Court. The case involved an unannounced, private meeting of four members of the 11-member Milwaukee Metropolitan Sewerage Commission. The subject of the meeting was the commission’s proposed operating and capital budgets. Adoption of these budgets required a 2/3rds vote of the commission (i.e., eight votes), and four members was a sufficient number to block adoption. Such a gathering of enough members that could be sufficient to block an action of the full body was labeled as a “negative quorum.” [State ex rel. Newspapers, Inc. v. Showers, 135 Wis. 2d 77 (1987).]

The court provided a two-part test to determine when a gathering constitutes a negative quorum and triggers the Open Meetings Law. Under the test, such a meeting is subject to the law if: (1) the members have convened for the purpose of engaging in governmental business, whether discussion, decision-making, or information gathering; and (2) the number of members present is sufficient to determine the governmental body’s course of action on the subject under discussion.

Walking Quorum: The applicability of the Open Meetings Law to a series of informal discussions between small numbers of the body’s members has been addressed by the Wisconsin courts and the state Attorney General. This is commonly referred to as a “walking quorum,” and such series of small-group meetings that occur with the implied or express agreement to act uniformly in a sufficient number to reach a quorum may only be held with proper notice and accessibility.

The essential danger identified by the courts with a walking quorum is that it may produce a predetermined outcome and render the public meeting a mere formality. According to an informal opinion by the Attorney General, use of administrative staff to individually poll members regarding how they would vote on a proposed motion is a prohibited walking quorum.

If, however, there is no implied or express agreement to act uniformly in sufficient number to reach a quorum, a series of informal exchanges among separate groups of members may occur without violating the Open Meetings Law.

Open Records Law

Transparency in government in Wisconsin does not relate solely to open meetings, but extends to governmental records as well. The essential takeaway for newly elected or appointed officials is this, unless otherwise specifically identified as an exception by law, all governmental records are public and subject to public examination. It should be noted that all city-related emails, letters and reports produced by, sent from, or received by an elected or appointed official qualify under this broad definition. More detailed information regarding public records can be found in Wis. Stats. Secs. 19.21 - 19.39 and also in in chapter 7 of the League of Wisconsin Municipalities publication, *Handbook for Wisconsin Municipal Officials*.

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Committee Policing

In general, the president or chair of each committee is the person responsible for maintaining order and proper decorum at meetings, following the example set by ordinance with the role of the common council president. If committee members encounter persistent challenges with maintaining order at meetings due to the behavior of specific members of the public or the committee, the city manager may be called upon to address the issue. Any action to remove or reassign a committee member will not take place until the city manager has consulted with the common council president and then with the full common council. If the issue involves a common council member, the issue should first be addressed by the common council president and the city manager is excluded from the process. The president will then bring the matter to the full common council for discussion and action. If the issue involves the common council president, it shall be addressed by the common council president Pro Tem, and the city manager shall be excluded from the process.

If an elected official becomes aware of an ethics violation, they can report it to the Ethics Board for investigation and resolution. The Ethics Board, comprised of five members who are neither city officials nor employees, oversees ethics violations, handles complaints, conducts investigations, and holds hearings. Detailed procedures for filing, investigating, and resolving ethics complaints, including the due process rights of the accused, are outlined in Appendix A. Violations of the code may result in censure, fines, and costs of prosecution.

Effective Decision-Making

Often the decisions made by municipal committees can have a far-reaching impact on residents of the Whitewater community. This reality can make the role of a committee member both challenging and rewarding. This is especially true for those serving on the common council, but holds true for other municipal committees as well.

When a committee is tasked with making a decision on a particular issue, it is important to keep emotions and political influences out of the discussion as much as possible. This does not mean that committee members should not be sensitive to the needs and desires of those most closely impacted by a particular decision. However, it does mean that committee members should strive to remain open minded, work together and follow an objective process. Following is a list of questions you should consider asking yourself before making a final decision:

Do you have sufficient information?

The saying, "shoot first, ask questions later" helps illustrate the danger of making quick decisions without first confirming the information on the issue is complete. It is likely impossible to know absolutely everything there is to know about a particular issue, but it is possible to gather a reasonable amount of information from multiple perspectives. While committees should deliberate and take action in a timely manner, not all actions need to be taken immediately. In some cases, it may be beneficial to bring an item back for discussion at a future meeting if information on the issue is limited.

Am I separating people and emotions from the issue?

While we like to think we are objective, rational beings, we can often be led by our emotions. It is important to make sure that on committee decisions, emotions are not the basis for decisions made. Be honest with yourself and be sure your own positive or negative feelings about a particular matter or individual take a backseat to the proper weighing of facts related to the issue.

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Are you open, honest, and willing to listen?

Examine your own approach to dealing with conflict. Are you really listening to what your colleagues are saying? Are you thinking about the implications? Are you considering them? Don't be afraid to state your concerns. Be honest by revealing what you see as the options and by explaining what you see as shortcomings in the suggestions of others.

What is the committee's scope of responsibility?

At times committee members can feel as if they have bogged down and are not progressing on an issue. At such times, it can be helpful to take a step back and review the purpose for which the committee was established or review committee goals. If the discussion has gone off track, focus may need to be redirected. If the problem seems impossible to solve, you may need to come back to it at the next meeting. No matter what action is taken, always remember that everyone on the committee is volunteering their time and shares a common interest in the overall well-being of the City.

Is there a compromise that can be made?

At times when one is wrapped up in a debate on a particular topic, it can be easy to think only in the absolute terms of one's particular position. However, more often than not, win-win solutions exist when committee members are creative enough to discover them. When parties are locked on an issue, take a moment to consider potential routes for a compromise. Think about all that has been said throughout the debate. Can the best aspects of everybody's ideas be incorporated into a plan? Ask your colleagues why a particular approach is not satisfactory and why other approaches are.

Did staff have any thoughts or recommendations?

Most committees have a specific municipal employee assigned to serve as staff support to the committee. Often the person assigned is a department director or manager in the area that most closely associates with the role of the committee. The Neighborhood Services Director, for example, supports and advises the plan and architectural review commission. Assigned staff can be a valuable resource to provide professional guidance and/or recommendations on how to proceed with a decision. Staff can also research the topic under discussion and gather additional information related to the specific case in question. Staff can often also provide insight into best practices used in other communities to address similar issues.

Effective Council, Committee/Staff Relations

People make it all happen. In local government, people are at the heart of the organization, both those that comprise the organization, and those that the organization serves. In the City of Whitewater, cooperation and communication between city employees and committee members is encouraged and can often result in better outcomes and a more rewarding experience for all involved. To ensure that lines of positive communication remain open for all employees and volunteers, it is important to clarify some ground rules regarding communications as well as the role of staff members and committee members.

Everyone is Equal

All committee members are considered equal, including the chair or president of the committee. This means everyone on the committee should receive the same information on a particular matter. When a staff member shares information related to committee business, committee members can be confident the same information is being shared with all committee members. No single member should receive "special" information on an issue. This also means committee members should expect information they

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request on committee business will be distributed to the entire committee. This is the same for all committees, including the common council.

Use of Staff Resources

Staff time is limited. All positions within the City of Whitewater exist to provide and maintain municipal services, facilities, and infrastructure and to carry out organization priorities as determined by the common council. Committee members, including common council members, should be cognizant of this reality when making requests for information. Requests for information are welcome and encouraged; however, committee members should first consult with the city manager before requesting research that will consume significant staff time or otherwise divert limited resources to a project that falls outside of established common council priorities.

Employee Contact Line of Authority

Unless otherwise established by state statute, city ordinance, or employment agreement, all employees ultimately report to and work for the city manager. The city manager, in turn, works for and reports to the common council.

Common councilmembers as well as committee members are encouraged to learn about the role of each municipal department, to ask the staff questions about municipal operations and get to know employees. As a general practice, employees are expected to copy the city manager on all responses to inquiries made by common council members.

While communication is encouraged, the responsibility to direct the work of municipal employees, as well as prescribing or exacting employee discipline, are strictly the responsibility of the city manager. Therefore, if a committee member, including a common council member, has a concern related to the conduct or performance of an employee, that committee member should address it with the city manager.

However, if the concern were related specifically to the conduct or performance of the city manager, the committee member would be encouraged to bring it to the attention of the common council.

Lobbying Committee Members

Just as committee members should avoid directing work or disciplinary action for employees, employees should refrain from any action or communication that is intended to “lobby” the support of committee members for support of a particular project, budget request, or other initiative. This holds true for department directors, managers, and general employees. If a committee member finds himself or herself in such a position, the committee member is encouraged to direct the employee to his/her immediate supervisor and/or department director to address the issue. Committee members are encouraged to notify the city manager so legitimate issues can be promptly addressed.

Communicating with the Public

The life of a public official is just that, public. Though committee members should feel comfortable speaking their mind and answering questions, what a committee member shares can have an impact on public perception of the entire municipal organization. With that in mind, here are some things to consider when communicating with residents regarding municipal issues.

Representing the Committee

No single committee member, including common councilmembers, can individually commit the city as a

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whole, or their respective committee to a position on an issue without a vote or consent of that committee. It is inappropriate to commit to things the whole committee may not be aware of or approve. Committee members should refer requests for official positions on an issue to staff for review and recommendation. The matter should then be added to an agenda to obtain the committee's official position.

Complaints from Citizens

If a committee member receives a complaint not related to employee behavior, s/he is encouraged to share the details of the complaint and complainant contact information with city staff so that any problems can be addressed.

Report or Refer the Complaint: Often the complainant is looking for an understanding ear and agreement from the committee member. While committee members are encouraged to be sensitive to the plight of the complainant, committee members should not attempt to promise a particular outcome or attempt an interpretation of the ordinance or policy related to the complainant's concern. Instead, committee members should commit to passing along the information to the appropriate staff person for resolution.

Avoid Sharing at Meetings: Avoid waiting to bring up citizen complaints until the next committee meeting. While doing so may appear to be a manner of "holding government accountable" the reality is that bringing up complaints at a public meeting can deflate staff, embarrass or annoy other committee members, and ultimately damage the credibility of the organization. This is all in addition to making the complainant wait to have their concern heard thus delaying resolution.

Avoid Private Disputes. Occasionally, a committee member may be asked to get his/her committee involved in what is purely a private dispute. These disputes typically include nuisance complaints, work hours for contractors, boundary line disputes, fence problems, and many, many similar issues. Intercession in such matters will be a drain on resources and will ultimately prove fruitless. If a committee member is unclear as to whether an issue is a private dispute or is within the City's jurisdiction, s/he is encouraged to refer the issue to city staff so that a proper determination can be made and subsequently shared with the complainant.

Complaints Regarding Employee Behavior

Citizen complaints regarding employee behavior or performance should always be referred to the city manager for investigation and resolution.

Media Relations

Common councilmembers, and occasionally other committee members, may be approached by the media and asked for commentary on a council action or position on an issue. To the extent that the common council has taken an official action or position, the city manager, or his/her designee will generally be the spokesperson. Common councilmembers, however, are not prohibited from sharing personal opinions with the media or from referencing previous public actions taken by the common council as a whole. The same applies to other municipal committees.

Represent General Interests

As previously stated in this manual, committee efforts should always focus on what is best for the city as a whole. Common councilmembers and other committee members must be careful to represent the general interests of the City and not special interest groups.

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Conclusion

The purpose of this manual has been to provide new committee members, including common council members, with helpful information that clarifies fundamental elements of serving in a public office for the City of Whitewater. Committee members are encouraged to read the manual, *Handbook for Wisconsin Municipal Officials*, produced by the League of Wisconsin Municipalities, and to become familiar with the Whitewater Municipal Code of Ordinances in an effort to gain further knowledge regarding the role of public officials in Wisconsin. As always, feel free to contact the City Manager's office at 262-473-0104 with any additional questions regarding municipal operations or this manual.

Whitewater Municipal Code of Ordinances
Chapter 7.04 Code of Ethics
Appendix A

Sections:**7.04.010 - Declaration of policy.**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the city. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the city.

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.020 - Definitions.

As used in this chapter:

- (a) "Public employee" means any person excluded from the definition of a public officer who is employed by the city.
- (b) "Financial interest" means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- (c) "Official" means all city officers as defined in Section 62.09 under Wisconsin Statutes and all members of boards and commissions and agencies established or appointed by the city manager or common council, whether paid or unpaid.
- (d) "Personal interest" means any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (e) "Person" means any person, corporation, partnership or joint venture.

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.030 - Statutory standards of conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are adopted by reference and shall apply to public officials and employees whenever applicable to wit:

- (a) Sec. 946.10. Bribery of Public Officers and Employees.
- (b) Sec. 946.11. Special Privileges from Public Utilities.
- (c) Sec. 946.12. Misconduct in Public Office.
- (d) Sec. 946.13. Private Interest in Public Contract Prohibited.
- (e) Chapter 11. Campaign Financing.
- (f) Chapter 19. Subchapter IV Open Meetings of Governmental Bodies.

(Ord. 1203(2/5/91) § 2(part), 1991).

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7.04.040 - Responsibility of public office.

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

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.050 - Dedicated service.

All officials and employees of the City of Whitewater should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.060 - Fair and equal treatment.

(a) **Use of Public Property.** No official or employee shall request or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit.

(b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.070 - Conflict of interest.

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

(b) **Specific Conflicts Enumerated.**

(1) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

(2) **Gifts and Favors.**

(A) No official or employee shall accept any gift whether in the form of service, loan, thing or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. EXCEPTION: Advertising or promotional items having a value of ten dollars or less per gift shall be exempt.

(B) No official or employee may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonably be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

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- (C) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a city official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are extended from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (D) Gifts received by an official or employee under unusual circumstances should be referred to the ethics board within ten days of receipt for recommended disposition.
- (3) **Representing Private Interests Before City Agencies or Courts.** No official or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any city agency, board, commission or the common council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation. However, members of the common council may appear before city agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations.
- (A) **Ad Hoc Committee.** EXCEPTION: No violation of this section shall exist, however, where an individual serves on an ad hoc committee charged with the responsibility of addressing an issue or topic in which that individual, or the employee or a client of that individual, has an interest so long as the individual discloses to the ad hoc committee that such interest exists.
- (c) **Contracts with the City.** No city officer or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion of his part, shall enter into any contract with the city unless it falls within the confines of Sec. 946.13, Wis. Stats. "Private Interest in Public Contract Prohibited," or the following:
- (1) The contract is awarded through a process of public notice and competitive bidding or the common council waives the requirement of this section after determining that it is in the best interest of the city to do so.
 - (2) The provisions of this section shall not apply to the designation of a public depository of public funds.
- (d) **Disclosure of Interest in Legislation.**
- (1) 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, the nature and extent of such interest.
 - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the common council or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the common council or the appropriate board, commission or committee the nature and extent of such interest.
- (Ord. 1529A §§ 1, 2, 2003; Ord. 1203(2/5/91) § 2(part), 1991).

7.04.075 - Disclosure of confidential information.

No official or employee shall without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city.

(Ord. 1529A § 1(part), 2003).

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7.04.080 - Ethics board.

- (a) There is hereby created an ethics board to consist of five members and one alternate, all residents of the city. Elected officials or employees will not be eligible for appointment. The city manager shall provide necessary staff assistance to the board. The city attorney shall routinely furnish the board whatever legal assistance is necessary to carry out its functions. However, if a possible, apparent, or actual conflict of interest involving the city attorney should occur, legal counsel shall be furnished the board through the city manager's appointment of other legal counsel after consultation with the chair of the ethics board.
 - (b) The members of the ethics board shall be appointed by the city manager subject to confirmation by the common council. Terms of office shall be three years except that when the initial appointments are made, one member shall be appointed for one year, two for two years, and two for three years. The term of the alternate shall be for three years, except that the initial appointment shall coincide with the ending of the terms of the member appointed for one year.
 - (c) The ethics board shall elect its own chair, vice-chair and secretary and shall develop written rules of procedure which shall be filed with the city clerk.
 - (d) The ethics board may make recommendations to the common council with respect to amendments to the code of ethics ordinance.
- (Ord. 1203(2/5/91) § 2(part), 1991).

7.04.090 - Duties of the ethics board.

- (a) Upon receipt at the city clerk's office of a notarized complaint in writing, which shall state the name of the elected or appointed official or employee alleged to have committed a violation of this chapter and which shall set forth the particulars thereof, the city clerk or designee shall distribute a copy of the complaint along with a copy of the code of ethics ordinance to the respondent within ten working days (i.e., Monday through Friday, excluding holidays). The city clerk or designee also shall send a copy of the complaint to each member of the ethics board. The information contained in the verified complaint shall be kept confidential until a proper disposition of the case occurs.
- (b) The board shall meet in closed session and determine whether the complaint, if true, may constitute a violation of the chapter. If four or more of the members of the board vote to dismiss the verified complaint, a formal dismissal action adopted in open session shall be filed with the city clerk and a copy sent to the complainant and the respondent. If four or more members do not vote to dismiss, the action shall proceed as provided in subsection (c) of this section.
- (c) If the action is not dismissed under subsection (b) of this section, the board shall make preliminary investigations with respect to the alleged violation of the ethics chapter. No preliminary investigation of the activities of any elected or appointed official or employee may be initiated unless such official or employee is notified in writing. The notice shall state the nature and purpose of this preliminary investigation. Information gathered during the preliminary investigation shall be kept confidential until a finding is made by the board.
- (d) If, after the preliminary investigation, three or more of the members of the board vote in open session that no probable cause exists, the board shall issue a formal finding to that effect and dismiss the case. A copy of the formal finding shall be filed with the city clerk and a copy distributed to the complainant and the respondent.
- (e) If the board is unable to come to a conclusion on the subject of probable cause, due to abstentions or the voting of "present," the board shall have further discussion and vote again. If the stalemate continues, the board shall treat it as a dismissal and proceed as in subsection (d) of this section.
- (f) If, after the preliminary investigation, three or more of the members of the board vote that there is probable cause that a violation took place, the board shall file formal findings to that effect with the city clerk and proceed toward the conduct of a hearing. The vote shall be taken in open session.

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- (g) In the case of a probable cause finding, the board shall send a notice of due process rights and a notice of hearing on the matter to the respondent. The complainant shall also be notified of the hearing.
- (h) The board shall then conduct a hearing on the verified complaint, which hearing shall be held not more than thirty days after such finding of probable cause. The board shall give the respondent at least twenty days' notice of the hearing date. Such hearings shall be at open session unless the respondent petitions for a hearing closed to the public. The rules of criminal evidence shall apply to such hearings. All evidence considered by the board, including certified copies of records and documents, shall be fully offered and made part of the record. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- (i) During all stages of the proceeding conducted under this section, the elected or appointed official or employee whose activities are under investigation shall be entitled to be represented by counsel of his or her own choosing.
- (j) The respondent or his/her attorney shall have an opportunity to examine all documents and records to be used at the hearing under subsection (g) of this section at a reasonable time before the date of the hearing; as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.
- (k) The board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Section 885.01(3) of the Wisconsin Statutes.
- (l) Determination. Upon conclusion of the hearing the board shall make a decision agreed to by at least four members. It shall file the decision in writing within ten working days after the vote, signed by at least four participating board members stating findings of fact, conclusions of law concerning the propriety of the conduct of the elected or appointed official or employee, and if appropriate, referring the matter to the city council or other proper authority with a recommendation for censure or other disciplinary action. A member of council censured may be subject to recall pursuant to Section 9.10, Wisconsin Statutes, or any other legal process authorized by law. If four or more members are not able to reach an agreement, the complaint shall be dismissed.
- (Ord. 1203(2/5/91) § 2(part), 1991).

7.04.100 - Applicability of code.

This code 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.

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.110 - Distribution of the code.

The city clerk shall provide copies of this code to elected and appointed officials covered by this chapter and shall keep at least one copy permanently on file for the use of the public.

(Ord. 1203(2/5/91) § 2(part), 1991).

7.04.120 - Severability.

- (a) If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application.
- (b) This ordinance shall be in full force and effect from and after its passage and publication.
- (Ord. 1203 (2/5/91) § 2(part), 1991).

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7.04.130 - Penalty for violations.

In addition to any other provisions relating to disciplinary action or censure, any person who violates any of the provisions of this chapter may forfeit and pay a penalty of not less than twenty-five dollars nor more than two hundred fifty dollars for the first offense, together with the costs of prosecution; and for the second and subsequent offenses, not less than fifty dollars nor more than two hundred fifty dollars, together with the costs of prosecution. If respondent fails to pay the penalty and costs within sixty days of imposition of the penalty, the city may collect the penalty by obtaining a judgment in the circuit court and collecting said judgment as provided by law.

(Ord. 1203(2/5/91) § 2(part), 1991).

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Appendix B – Council Communication Chart

When to Contact the City Manager vs. Department Directors

Situation	City Manager	Department Director
Major city-wide issues	✓	
Information on city laws or regulations	✓	
Complaints about city services or policies	✓	
Reporting employee misconduct	✓	
City-wide budget inquiries	✓	
City-wide planning or strategic matters	✓	
Specific service or department problems		✓
Information on departmental services or rules		✓
Updates on specific projects		✓
Minor local issues (e.g., potholes)		✓

Roberts Rules of Order – Simplified

Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

How to do things:

You want to bring up a new idea before the group.

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion.

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

You want more study and/or investigation given to the idea being discussed.

Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.

Move to postpone to a definite time or date.

You are tired of the current discussion.

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3^{rds} vote.

You have heard enough discussion.

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3^{rds} vote.

You want to postpone a motion until some later time.

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3^{rds} vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.
 "Call for orders of the day."

You want to take a short break.
 Move to recess for a set period of time.

You want to end the meeting.
 Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.
 Without being recognized, call for a "division of the house." A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.
 Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.
 Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.
 Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3^{rds} vote is required.

Unanimous Consent:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**
 - to get information about business –point of information to get information about rules– parliamentary inquiry
 - if you can't hear, safety reasons, comfort, etc. –question of privilege
 - if you see a breach of the rules –point of order
 - if you disagree with the president of the board's ruling –appeal
 - if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 ^{rds}	√
Close Discussion	√			2/3 ^{rds}	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√