



CITY OF FITCHBURG COUNCIL HANDBOOK

2025

This handbook provides new and existing Council members with an orientation and resource regarding the role of an elected official in local government. It includes rules and policies the Common Council (Council or City Council) uses to govern itself and its members and ensure the efficient, effective, and accountable conduct of its business.

This handbook is designed to introduce you to your role as a member of the Fitchburg Common Council. While this handbook is not all-encompassing, it provides useful information about your role and should be used as a reference guide. As always, if you have questions please contact the City Administrator.

From the League of Wisconsin Municipalities, the Common Council comprises “Alderpersons” and the Mayor. A Common Council serves as the legislative arm of City government. The Council decides policy matters. In addition to enacting ordinances, resolutions, and motions, the Council approves and amends the annual budget and capital improvement plan, levies tax, approves the paying of claims made against the City, grants licenses issued by the City, and enters into contracts on behalf of the City.

Alderpersons represent the residents of their aldermanic district in the City of Fitchburg. Common Council meetings are held on the 2nd and 4th Tuesday of each month at 6:30 p.m. Council members are expected to attend the meetings of the Common Council, Committee of the Whole (held the fourth Wednesday of each month), and any other Board/Commission or Committee to which they are appointed. If a member is unable to attend a meeting, they should notify the Mayor, City Administrator, Board/Commission/Committee Chairperson, and City Clerk as soon as practicably possible.

Each member is responsible for coming to each meeting fully prepared. This includes reading through the agenda and packet of information. If there are questions or clarifications regarding the information, please contact the Mayor, City Administrator and appropriate department head prior to the meeting so there is sufficient time to gather information in response to your question.

Common Council members must sign-up to receive Newsflashes and Notify Me Alerts on the City’s website. These subscriptions will allow you to receive agendas, meeting packets, and to stay informed on a variety of City items and events.

All elected officials are encouraged to meet with department heads to learn more about the operations of the City and projects each department is working on. You are also encouraged to meet one-on-one with the Mayor, City Administrator and Deputy Administrator to learn more. If you need assistance in setting up these meetings, please contact the Executive Assistant.

Please reach out to the City Administrator with any questions.

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City Committees/Commissions/Boards and Responsible Department

Agriculture and Rural Affairs	Planning & Zoning
Bicycle & Pedestrian Commission	Planning & Zoning
Board of Public Works (BPW)	Public Works
Board of Review (BOR)	City Clerk
Commission on Aging Well (COAW)	Senior Center
Committee of the Whole (COW)	City Clerk
Common Council	City Clerk
Community Economic Development Authority (CEDA)	Economic Development
EMS Commission	EMS
Finance Committee	Finance Department
Healthy Neighborhoods Advisory Committee (HNAC)	Planning & Zoning
Housing Advisory Committee (HAC)	Economic Development
Landmarks Preservation Commission	Planning & Zoning
Library Board	Library
Park Commission	Parks, Recreation & Forestry
Personnel Committee	Human Resources
Plan Commission	Planning & Zoning
Police & Fire Commission (PFC)	Human Resources
Public Safety & Human Services	City Clerk
Resource Conservation Commission (RCC)	Public Works
Transportation & Transit Commission (TTC)	Public Works
Tree Advisory Committee (TAC)	Parks, Recreation & Forestry (City Forester)
Zoning Board of Appeals (ZBOA)	Planning & Zoning

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Form of Government

The City of Fitchburg is a Fourth-Class City. Wisconsin law divides cities into four (4) classes for purposes relating to government administration and the exercise of corporate power. The division is based on population as determined by the last federal decennial census. While the City has enough population to become a 3rd class City, the City has chosen not to move forward with a change. The City operates under the Council/Administrator governance model with a City Council of nine (9) elected officials, and a professional appointed City Administrator. Fitchburg has a “weak Mayor” system in place where the Mayor has limited independent power exercised separately from the City Council. Weak Mayor systems are characterized by shared administrative powers among the Mayor, elected administrative officers, various boards and commissions, and independent appointed officials; most Wisconsin cities fall into the “weak” Mayor category. The Administrator, who serves at the discretion of the City Council, acts as the City’s Chief administrative officer who appoints and manages all staff (except the Mayor’s direct reports: Police Chief, Fire Chief, City Attorney, and City Administrator), directs day-to-day operations, and assists the Mayor with their budget (per City of Fitchburg Code of Ordinances Sec. 10-42).

The Mayor is elected for three years, and eight Council members representing four districts are elected for two-year staggered terms. The Mayor and Council oversee City departments, which are managed by the City Administrator who is nominated by the Mayor and confirmed by the Common Council.

Additional information about the form of government can be found on the League’s website: <https://www.lwm-info.org/DocumentCenter/View/6442/1--Organization-and-Powers-of-Cities-and-Villages?bidId=>

Mayor (City of Fitchburg Code of Ordinances Ch. 8, Article II)

The Mayor serves as the chief executive officer of the City. Some of the Mayor’s duties include:

- Nominates members and liaisons to various committees, boards, and commissions.
- Ensures the City Ordinances and State Statutes are observed and enforced.
- Prepares the annual budget.
- Veto ability for legislation passed by the Common Council.
- Votes in case of a tie.
- Develop and review the Common Council agenda in conjunction with the City Administrator.
- Directly refer items to the Common Council agenda that are of an immediate nature.
- Preside at all Common Council and Plan Commission meetings.
- Select the Board of Public Works chairperson.
- Sign all contracts unless otherwise provided by resolution or ordinance.
- Authorize the submittal of grant funding requests.
- Approve purchases, along with Finance, Legal, and City Administrator, of \$5,000 to \$25,000.
- Approve purchases, along with Finance, Legal, and City Administrator, of purchases over \$25,000. Common Council action is also required by resolution.
- Approve the Department Director’s internal budget adjustments up to a maximum of \$5,000 or five (5) percent of the department budget.

- Represent the City at events and other community gatherings

The following positions report to the Mayor: City Administrator, Police Chief, Fire Chief, and City Attorney.

City Council Responsibilities

The material in this section attempts to provide City Council members with information to serve the residents of Fitchburg lawfully, ethically, and effectively as elected members of the Council. If you have any questions or comments regarding any of the matters covered in this section, please contact either the City Administrator or City Attorney.

The City of Fitchburg is divided into four aldermanic districts, each with two alderpersons who serve two-year terms. Terms end the third Tuesday in April. These alderpersons make up the City Council. The City Council serves as the legislative body of the City and oversees City properties, finances, infrastructure, and public services. The City Council is responsible for setting the City's policies and priorities. The City Administrator implements those policies and priorities and ensures they are carried out by staff.

On the third Tuesday in April, the City Council elects a Council President at the Council organizational meeting. The Council president shall nominate Common Council members to the standing committees (Finance, Personnel, and Public Safety and Human Services). The Council president serves as the chairperson of the Committee of the Whole, which typically meets once a month. The Common Council typically meets twice a month. Please notify the Mayor, Council President, City Clerk and/or City Administrator, and the Board/Commission/Committee Chairperson if you are unable to attend a meeting or will be late. As an elected official, the expectation is you will attend and be engaged in Council and Committee meetings. While rare, absence from any committee, board or commission for three (3) consecutive meetings, unless authorized, may result in your removal for the committee, board or commission per Section 8-6(b) of City Ordinances. Therefore, it is necessary for you to communicate with others if you will be absent.

Local governance is more effective when Council members and City Staff work together, and a good working relationship provides great value to the community. A good working relationship is maintained through mutual respect, which begins with open communication. The Fitchburg Common Council accepts the following responsibilities in its relationship with the City Administrator and City Staff:

1. Engage the Administrator – Avoid conflicts through early and frequent communication.
 - a. Meet or communicate with the Administrator as soon as practical about concerns or troubling issues.
 - b. Be forthcoming with concerns.
2. Inform the Administrator about policy-related contacts with the City Staff.
 - a. Copy the Administrator on email communications with City Staff.
3. Reflect community concerns to City Staff.
 - a. Serve as a barometer on community-sensitive issues.
 - b. Raise concerns prior to a public meeting so Staff can react and make changes as appropriate.
4. Use clear communication techniques.

- a. Be clear about expectations for how and when questions are answered and be reasonable in those expectations.
- b. Practice a “no surprises” approach.

In the event a Council member would like an ordinance updated, modified or created, the Council member should contact the Mayor and City Administrator identifying the requested ordinance-related action they would like to be considered. The Council member should explain the goals/objectives of the proposal, identify the problem the proposal is seeking to solve, the impacts within our community, operational considerations, and identified costs, if known, and any specific components the Council member would like included in the proposed ordinance. The Council member should not draft ordinances for consideration. Once the Mayor and City Administrator have reviewed the request, the next steps for the proposed ordinance will be determined. In order for an ordinance to be implemented or modified, it will need to be reviewed by Staff, drafted by the City Attorney, and referred to the appropriate committees/boards, as well as the Common Council, for consideration and action. If the Ordinance moves forward, the Mayor would place the ordinance change on the Council agenda. If the Mayor, refuses to act on an ordinance, two (2) or more Common Council members may place the item on an agenda.

City Administrator (City of Fitchburg Code of Ordinances Section 8-100)

The City Administrator is responsible for managing the day-to-day operations of the City and ensuring that City services are delivered and provided to the citizens efficiently and effectively. The City Administrator is appointed by the Common Council. The City Administrator oversees the day-to-day operations of the City, supervises City Staff, and assists the Mayor in preparing the annual budget for review by the Common Council. The City Administrator reports to the Mayor and is subject to the policy direction of the Common Council.

Specific requests for City Staff to work on a specific project or meeting time should be made to the Administrator. If you have questions regarding the appropriateness of working with an individual Staff member, please contact the Administrator for prior direction. Except for emergencies, limit calls, contacts, or meetings with City Staff to the City’s normal hours of operation (8:00 a.m. to 4:00 p.m., Monday through Thursday and 8:00 a.m. to 2:00 p.m. on Fridays).

The Police and Fire Commission is responsible for the actions, performance, and discipline of Police and Fire personnel. Questions about protective service personnel should be referred to the Police Chief, Fire Chief, or Human Resources Director.

Department Heads and Staff

Some Department Heads and Staff positions are appointed, and people in these positions are considered Appointed Officers. The listing of the appointed positions can be found in Chapter 8 of the City’s Code of Ordinances. Department Heads and Staff are trained and experienced professionals in their field and are responsible for the day-to-day operations of their department. Elected officials are encouraged to contact Department Heads to learn about the department's operations and practices. This may include a ride-along with departments or a meeting with the Department to learn more about the operations. Department Heads act and make recommendations in the best interest of the City. Please include the City Administrator and/or Deputy City Administrator in all correspondence with City Staff.

Communication

Constituent Contact

Members of the Common Council will be contacted by constituents via email, letter, telephone calls, social events, and by chance encounters. These contacts are generally on one of the following topics:

1. Request for a particular service to be performed.
2. An inquiry about a City policy, project, or issue.
3. A complaint about a City service, contact or policy.
4. A desire to influence a Council member's opinion on an issue under consideration by the Council.

One of Staff's responsibilities is to work with the Council to address constituent issues and concerns.

Recommended Email Procedures:

Elected official(s) receiving an email from a resident about a City service are encouraged to:

- Forward the message to the appropriate department director and copy the City Administrator.
- Let Staff know if you would prefer to respond directly to the resident or if you prefer Staff respond.
- Staff will respond to the elected official(s) with additional information about the service or questions from the resident.
- If an elected official responds to the resident, the elected official is encouraged to forward their response to the Department Head and copy the City Administrator.
- If Staff responds to the resident, Staff will forward the response to the elected officials included in the initial contact and copy the City Administrator.

Recommended Procedures for Other Contacts:

Elected official(s) receiving a phone call or discussing a matter from a resident about a City service are encouraged to:

- Inform the appropriate department director and copy the City Administrator.
- Let Staff know if you would prefer to respond directly to the resident or if you prefer Staff to respond.
- If requested, Staff will respond to the elected official(s) with additional information about the service or question from the resident.
- If an elected official responds to the resident, the elected official is encouraged to summarize the response to the Department Head.
- If Staff responds to the resident, Staff will let the elected official know they have responded and will summarize the response to the elected official.

The City occasionally receives anonymous letters. These letters are not distributed nor, obviously, responded to by Staff.

Elected Official Conduct with the Media

In general, media contacts should be handled by the Mayor and/or City Administrator. All discussions held in closed session are considered confidential and should not be relayed to anyone outside the meeting. Should a member of the media contact you related to a closed session discussion, it is appropriate to identify that you are not able to discuss the meeting at this time. All contacts should be reported to the Mayor and City Administrator and should include timely (if possible, before publication or radio or television presentation) notification of which member of the media approached you, the general content of the questions, and your response.

When communicating with the media, Council members should clearly differentiate between personal opinions and the City's official position. Each Council member represents one vote of eight, and until a vote on any issue is taken, Council members' positions are merely their own.

Council members should not discuss personnel issues or other matters regarding individual City Staff with the media. Any issues about City staff should only be addressed directly to the City Administrator or Human Resources Director. Further, Council members shall not discuss matters with the media in which a lawsuit has been filed against the City, or the City anticipates a lawsuit being filed.

Open Meeting Law and Records:

- In order to avoid open meeting concerns, elected officials should not engage in a back-and-forth discussion via email including multiple elected officials (avoid replying to all).
- It is essential to avoid a walking quorum by individually emailing multiple elected officials about a topic.
- It is permissible for individual elected officials to have a back-and-forth discussion with Staff via email so long as the City Administrator is copied.
- The City maintains a record of emails sent from City email addresses. If you inadvertently receive a City related email to your personal email address, you should forward it to your City email address and respond from your City email address. All City business should be conducted via City email in order for the City to maintain the record.

General Information About City Council Meetings

Council agendas, as well as the entire Council packet, are posted on the City's website on the Friday before the regular Council meeting.

Types of Council Action

The Common Council enacts legislation and takes official action in various ways, operating under Robert's Rules of Order:

1. Motions – Motions are used to approve, reject, or table procedural matters. Sometimes motions are used to take legislative action. Having the motion in writing assures that a motion is accurately voted upon and recorded.
 - a. **Main Motion** – The main idea or resolution you are working on. A main motion to introduce (move) the resolution should be made before discussion takes place. You can have only one such main motion before the Council at any one time. Any amendments or motions to refer, defer, postpone, table, etc. take precedence over the main motion and must be acted upon before action can be taken on the main motion. Any member may introduce (move) a main motion. A majority vote is required, unless specified differently by statute or ordinance. Staff support will inform you of the need for these special votes.
 - b. **Motion to Amend** – Each amendment should be voted on separately, with the final motion being to approve the main motion as amended. A majority vote is required.
 - c. **Motion for the Previous Question** – If debate on a motion has become extended and seemingly futile, a member may 'call the previous question', which ends the debate and forces the motion to be voted upon. This motion cannot be debated or amended. A two-thirds vote is required.
 - d. **Motion to Suspend the Rules** – If it is desired to take an item out of its scheduled order, a two-thirds vote is required.
2. Resolutions—Resolutions establish policy, express the Council's opinion in a formal manner, and direct or authorize action.
3. Proclamations – Proclamations are primarily issued to recognize individuals, civic functions, or special events.
4. Ordinances – Ordinances are the most formal legislative actions taken by the Common Council and are local laws. They are used for matters requiring a degree of permanency. Ordinances deal with matters such as traffic, zoning, health and safety regulations, governmental organization, annexation, building and construction codes, licenses, and so forth. An ordinance is different from a resolution in that it must be published in order to be effective. Violation of an ordinance usually involves a financial penalty.

Closed Sessions

Closed sessions are permitted by the open meeting law for purposes specifically authorized under §19.85 (1). When a closed meeting is appropriate, it is imperative that certain procedures are followed. Closed sessions must be specified in the public notice. The meeting must first convene in open session, and a roll call vote must be taken to go into a closed session. The presiding officer must announce the nature or business to be discussed and read the specific statutory provision that authorizes the closed session. Attendance is limited to the members of the commission/committee/etc., necessary staff and other officers (such as the attorney), and

any other persons whose presence is necessary for the business at hand. Discussion in closed session must be limited to the topic for which the meeting was closed. The details of what was discussed shall not be disclosed unless authorized. To participate in a closed session, a Council member shall be present and cannot participate remotely as required by City of Fitchburg Code of Ordinances Section 4-70 (3)(b).

Public Comment at Meetings

Members of the public can provide public comments on items that are not on a Common Council agenda which is typically item #4 on a Council agenda titled "Public Appearance Non-Agenda Items/New Appointments". Public comments are limited to no more than three (3) minutes. However, the Mayor or chair presiding over the meeting can limit the time to less than three minutes in case a large presence wants to speak. The Common Council should not have a back-and-forth discussion with anyone making public comments. An Alderperson is allowed to ask a clarifying question about the person's comments.

Remote Meeting Appearances (City of Fitchburg Code of Ordinances Section 4-70)

The City provides remote/virtual meeting options for all Council and Committee meetings. Common Council members are strongly encouraged to attend the meetings in person. However, when circumstances don't allow for in-person attendance, Alders and committee members are allowed to attend meetings virtually. If you are attending a meeting virtually, please notify the Staff contact, and committee chairperson. For Council meetings, please notify the Mayor, City Administrator, and City Clerk. Virtual meeting attendance requires you to have a two-way video connection where people can hear and see you, and where you can see and hear other people. The expectation is your camera remains on during the meeting. Virtual participation in closed session is not allowed.

Ceremonial Events – Ribbon Cuttings

The City receives many requests to participate in ceremonial and community events. Ribbon cuttings for new businesses and development are often celebrated by the Fitchburg Chamber Visitor & Business Bureau and the City's Economic Development Department. The Chamber and/or Economic Development has typically invited the Mayor and Common Council to these ceremonies. While not required, you are encouraged to attend to support new businesses and community development.

The City of Fitchburg Code of Conduct for Elected Officials

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

The City of Fitchburg and its elected officials are committed to ethical conduct and service to the City of Fitchburg. This Code has been created to ensure that all elected officials have clear guidelines for carrying out their responsibilities in their relationship with each other, City Staff, Fitchburg's citizens, and all other private and governmental entities. It is the hope and expectation of the City Council that Council members individually, and the City Council as a whole, will aspire to these high standards, and in the event that these shared objectives are not met in any instance self-correction will occur in most every case, with any enforcement a rare and last option.

Elected Official Conduct with One Another

The City Council is responsible for setting the City's policies. Certain types of conduct are beneficial, while others are destructive. The Council has the responsibility to take the high road in elected official conduct and to treat other Council members as they would like to be treated.

The Council is composed of individuals with a diversity of technical backgrounds, perspectives, personalities, values, opinions, and goals. Despite this diversity, all choose to serve in public office, and therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and the Council must recognize that certain behavior is counterproductive while other behavior will lead to success. In general, Council members should limit their speaking time to five (5) minutes or less each time they are recognized by the chairperson per City of Fitchburg Code of Ordinances section 4-24(b). Elected officials are encouraged to keep their comments and points as concise as possible.

A. Use Formal Titles

The Council may wish to address one another formally during public meetings as Mayor, Council President, or Alderperson, followed by the individual's last name. Each Council sets their own preference to use titles in meetings and situations and may include using first names.

B. Use Civility and Decorum in Discussion and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action and are, therefore, to be expected. Every Council member has the right to an individual opinion, which other Council members should respect. Council members shall not be hostile, degrading, patronizing, or defamatory. Council members should assume the other members of the Council have the appropriate motivations and interests of the public in mind and should not criticize differing opinions because they believe them to lack judgment or be improperly motivated.

However, this does not allow Council members to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings, during individual encounters, or at any time while acting in their official capacity. Shouting or physical actions that could be construed as threatening or demeaning will not be accepted. If a Council member is personally offended by the remarks of another Council member, the offended member should make a note of the actual words used and call for a “point of personal privilege” that challenges the other Council member to justify or apologize for the language used.

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, to keep the Council members' comments on track during Council meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections shall be voiced politely and with reason, following commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council meetings, are vested in the Committee Chair for Committee meetings.

D. Discrimination and Other Harassment

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

E. Respect for Diverse Opinions

The primary role of most boards, commissions, and committees is to represent many points of view in the community and to provide the Council with advice based on a full range of concerns and perspectives. Council members should encourage, promote, and facilitate resident participation on boards, commissions, and committees by being courteous, fair, respectful, and appreciative of all residents providing this important community service, regardless of their point of view on a particular matter.

Elected Official Conduct with City Staff

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

A. Treat all Staff as Professionals

Council members shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward Staff is not acceptable. Council members should consider referring to Staff by their title or formal salutation followed by the individual's last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Council members shall never publicly demean or personally attack an employee regarding the employee's job performance or for any other matter. All employee performance issues shall be forwarded to the City Administrator or the Human Resources Director through private correspondence or conversation.

C. Do Not Supersede Administrative Authority

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

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

D. Do Not Solicit Political Support from Staff

Council members shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on the support list, collection of petition signatures, etc.) from City staff. City staff may support political candidates as private citizens within their constitutional rights, but all such activities must be done away from the workplace and City Hall. Photographs of City employees shall not be used in political ads, fliers or political websites.

Elected Official Conduct with the Public

In Public Meetings

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

A. Be Welcoming to Speakers and Treat them with Care and Respect

For many citizens, speaking in front of the Council is a new and challenging experience. Under such circumstances, many are nervous. Council members are expected to treat citizens with care and respect during public hearings. They should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and nonverbal expressions should be appropriate, respectful, and professional.

B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

Generally, each speaker will be allocated three minutes, with applicants and appellants or their designated representative allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. No additional public testimony will be accepted after the close of the public hearing unless the Council reopens the public hearing for a limited and specific purpose.

C. Ask for Clarification, but Avoid Debate and Argument with the Public

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

D. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as an advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures as outlined in City of Fitchburg Code of Ordinances Section 4-24.

E. Conflicts of Interest

You should not knowingly vote on or participate in committee/commission/etc. discussions of or take any official action which would substantially affect a matter in which you - personally, through your work, or your family - are associated. If you feel that you may have a conflict of interest, whether it is apparent or may be perceived as such, you must excuse yourself from that portion of the meeting during which the relevant matter is considered. If you are uncertain about whether you have a conflict of interest, err on the side of caution. It is better to remove yourself from a vote than to have all the work leading to the vote nullified by a perceived or questioned conflict. Usually a public official should not, in a private capacity, apply, negotiate, bid for, or receive any award, sanction, permit, license, zoning change, contract, offer of employment, or agreement in which the official has a private financial interest, direct or indirect, if the official is authorized to perform in regard to it any official function requiring the exercise of discretion, even if the official does not participate in the decision or exert any influence on his or her own behalf.

F. Representing City or Personal Interest

If a Council member appears before another government agency or organization to give a statement on an issue, that Council member should clearly indicate whether their statement reflects a personal opinion or is the City's official position. If the Council member represents another organization, business or individual, the member should be clear about whom they represent with their statement.

If an opinion is expressed in a written letter, including City letterhead, Council members shall clearly state the official City position so that the reader can readily understand the difference between the official City position and the viewpoint being expressed by the individual Council member. A copy of the written correspondence shall be provided to the Mayor, and City Administrator to be aware of issues that may come to the attention of Administration.

Outside Public Meetings

A. Make no Promise on Behalf of the City or Council in Unofficial Settings

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with community constituents. It is appropriate to give a brief overview of City policy and refer to City staff for further information. Overt or implicit promises of specific Council action or promises that City staff will take some specific actions shall be avoided.

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

B. Personal Gain Prohibited

In general, you should not accept anything of value if it could be reasonably expected to influence your vote, action, or judgment or if it could reasonably be considered as a reward for any official action or inaction you may take or have taken. You should not use your position to obtain financial gain or anything of substantial value for your private benefit or the private benefit of your immediate family, your employer, or other organization with which you are associated. Any fundraising, including that for political campaigns or non-profit service groups, should be registered with the City Clerk through Campaign Finance Reports.

Elected Official Conduct with Public Agencies

A. Be Clear about Representing the City/Personal Interests

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether their statement reflects personal opinion or is the official stance of the City. If an individual Council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a Council member upon any action that has bearing upon the conflicting issue.

B. Representation of the City on Outside Entities

Council members serving as a City representative on outside boards, entities or agencies shall represent the City's best interests and share information and seek input upon responsible request or need with fellow Council members and the City Administrator, in a manner consistent with the Open Meetings Law, on issues before the board, entity or agency that are pertinent to the City.

Elected Official Conduct with Boards and Commissions

A. Limit Contact with Board and Commission Members to Questions of Clarification

Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer for personal gain. However, they may contact Board or Commission members to clarify a position taken by the Board or Commission or a member thereof. Council members may also respond to inquiries from Board and Commission members. Communications should be for information only.

B. Attendance at Board or Commission Meetings

Council members may attend any Board or Commission meetings, which are always open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process.

C. Be Respectful of Diverse Opinions

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

Enforcement of Code of Conduct

A. Implementation

The Code of Conduct is intended to be self-enforcing as the City Council holds itself to this established high ethical standard. Ethical and conduct standards shall be included in the annual City Council orientation or other similar training of elected or appointed Council members.

B. Points of Order Privilege

Violations of this Code of Conduct, when made during a chaired public meeting, should be noted promptly after their occurrence by rising to a point of order (applicable when a member believes these or other rules applicable to the board are not being followed) and stating the violation or concern. The Mayor or Chair shall rule on the point of order, which does not need a second and is not debatable. The Chair's decision shall stand unless challenged and reversed by a majority vote of the members present and voting in an open session of the City Council meeting. The closely related point of privilege or personal privilege (applicable when some matter which concerns the rights or privileges

of the board or board member requires immediate attention) may also be utilized in the same manner as above.

C. Communication and Reconciliation Between Council Members Outside of Council Meetings

Any Council member who feels a violation of the Code of Conduct has occurred outside of a public Council meeting may raise the issue privately with the other Council member. Attempts should be made to resolve any issue in a professional, private manner, and this may include using a professional mediation service.

D. State Ethics Code and Crimes Against Government and its Administration

This Code is consistent with and in addition to applicable City Ordinances, state laws of ethics, and prohibited criminal behavior applicable to public officials, including the City Council, which include but are not limited to the following:

1. Code of ethics for local government officials § 19.59(1)
2. Bribery of public officers and employees § 946.10
3. Misconduct in public office § 946.12
4. Private interest in public contract prohibited § 946.13
5. Code of Ethics – Chapter 14 of City Code of Ordinances

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

E. Other Possible Penalties or Sanctions

Other possible forms of sanction are available statutorily to address specific harms. These potential sanctions include:

1. Compulsory attendance of a member. To ensure attendance and prevent or respond as necessary to neglect of duty pursuant to Wis. Stat. § 62.11.
2. Removal from a position on a committee, board, or commission to which the member was appointed by the City Council.
3. Removal from office. Removal from office may only occur by a $\frac{3}{4}$ vote of the entire City Council (6 of 8 Council members), and only for cause. Wis. Stat. § 17.12(1)(a). Cause is defined as “inefficiency, neglect of duty, official misconduct, or malfeasance in office.” Wis. Stat. § 17.001.

Definitions of Terms

The following is a brief list of terms that a public official or member of the public might hear during the course of a public meeting:

A

Ad hoc Committee – A committee formed for a particular purpose, for a limited time.

Amendment – A change or addition that changes the meaning or scope of an original document, usually laws or regulations, but may include plans, specifications, contracts, etc.

Annexation – The process by which a municipality, upon meeting certain requirements, expands its corporate limits.

Appropriation – A sum of money authorized by a legislative body to be spent for a specific purpose.

B

Bond – An interest-bearing certificate issued by a government or business, redeemable on a specific date, used as a means of raising funds for capital improvements.

Budget, Capital Improvement – A plan for improvements and acquisitions of significant value and a useful life of more than one year such as buildings, roads, equipment, etc.

Budget, Operating – A comprehensive financial plan to sustain municipal operations during a given year.

C

Chair – The presiding officer of a board, commission, or committee.

Collective Bargaining Agreement – Negotiations by a union to procure an employment agreement for such items as wages, benefits, and working conditions.

Comprehensive Plan – The basic foundation for local planning that guides a community's future physical, social, and economic development.

Conflict of Interest – A conflict between the private interests and the official responsibilities of a person on which the official must abstain from voting.

Consensus – Mutual agreement of the governing body.

Consent Agenda – A list of routine and/or non-controversial items on an agenda, as determined prior to the meeting, that may be approved by a single vote.

Contingency – An appropriation of funds to handle unexpected events and emergencies that occur during the fiscal year.

D

Debt Service – Payments to creditors, primarily the holders of municipal bonds; debt service includes principal, interest, and minor incidentals such as paying agents' fees.

Development Agreement – A contract between the City and a person or business detailing the obligations of both parties specifying the standards and conditions that will govern development on a specific piece of property in the City.

Direct Referral – An agenda item that is sent directly to the Common Council for action usually due to time-sensitivity.

E

Easement – An interest in land owned by another that entitles its holder to a specific limited use of that land.

Eminent Domain – The legal power of a government to expropriate private property for the sake of public necessity.

G

General Fund – The operating fund of the City used to account for all financial resources except those required to be accounted for in a special fund.

General Obligation Bond – A financial instrument giving borrowing power to a municipality, based upon the pledge of the municipality to retire the debt and pay interest.

O

Ordinance – A municipal law that applies to all persons within a municipality.

P

Plat – A map representing a tract of land, showing the boundaries and location of individual properties and streets.

Public Hearing – An opportunity during a public meeting for persons to express their position on a specific issue, both pro and con, as required by Statute or order of a governmental body after due notice.

Public Meeting – Any meeting of a governmental body at which public business is discussed or decided or policy formulated.

Public Official – An individual who serves on a governmental body by virtue of election by the public or appointed by another governmental body.

Q

Quorum – The prescribed number of members of any governmental body that must be present to legally transact business. The quorum is a majority of all members of the governmental body unless the bylaws state otherwise.

R

Referral – An agenda item that is sent to a subcommittee or commission for review and recommendation. An agenda item referred will return to the Common Council at a future date.

Resolution – A decision, opinion, policy, or directive expressed in a formally drafted document and voted upon by a governmental body.

Revenues – Monies received or anticipated to be received by a local government.

Right-of-Way – Property owned by a government over which the public has right of passage such as streets, parkways, medians, sidewalks, easements, and driveways constructed thereon.

S

Site Plan – A document showing uses and structures proposed for a parcel of land.

Acronyms and Abbreviations

CIP – Capital Improvement Plan

RFP – Request for Proposal

TID – Tax Incremental District

TIF – Tax Incremental Financing

Resources

While this handbook contains a significant amount of information, it is not all inclusive of everything an Alderperson needs to know. Additional resources are available and are linked below. These additional resources can assist you in your work as an elected official. If you have additional questions, feel free to reach out to the City Administrator or Deputy City Administrator. Further, if you're interested in training for elected officials, please reach out to discuss options.

- City of Fitchburg Council Resources:
 - <https://www.fitchburgwi.gov/1873/Council-Resource>
- League of Wisconsin Municipalities:
 - <https://www.lwm-info.org/>
 - <https://www.lwm-info.org/1500/Resources-for-New-Officials>
- Parliamentary Procedures FAQ's:
 - <https://localgovernment.extension.wisc.edu/files/2016/03/ParlProcFAQa.pdf>
- Wisconsin Public Record Law Fact Sheet:
 - https://localgovernment.extension.wisc.edu/files/2016/04/Wisconsin-Public-Records-Law-Fact-Sheet-7_2018.pdf
- Wisconsin Open Meeting Law Fact Sheet:
 - https://localgovernment.extension.wisc.edu/files/2016/04/Wisconsin-Open-Meetings-Law-Fact-Sheet-1_2018.pdf
- Understanding and Complying with Wisconsin's Opening Meeting Law:
 - <https://www.lwm-info.org/DocumentCenter/View/72/Complying-with-Wisconsin-Open-Meetings-Law-PDF?bidId>
- Standard of Conduct: Government Accountability Board
 - <https://ethics.wi.gov/Pages/Ethics/StandardsOfConduct.aspx>

Acknowledgement

I hereby acknowledge that I have received a copy of this handbook and agree to abide by the policies and guidelines contained within this handbook. Further, I understand that if I have questions regarding this handbook and policies, I will consult with the City Administrator.

Signature

Date