

ETHICS BOARD AGENDA

August 18, 2021

4:30 PM

160 S. Macy Street Fond du Lac, WI Conference Room A & B
City-County Government Center Fond du Lac, Wisconsin

I. OPENING CEREMONIES

- A. Attendance**
- B. Declaration Quorum Present**

II. APPROVAL OF MINUTES

- A. Minutes from 2018 to 2020**
- B. Minutes from 2021**

III. ELECTION OF OFFICERS

- A. Election of Ethics Board Chairperson**
- B. Election of Ethics Board Vice-Chairperson**

IV. Adjourn to Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of a verified ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1) (f), (h).

V. ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Minutes from 2018 to 2020

Subject: Minutes for approval from 2018 to 2020

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

2018_09_Ethics_Minutes_September_28__2018.pdf

2019_10_Ethics_Minutes_October_10__2019.pdf

2020_09_Ethics_Minutes_September_18__2020.pdf

2020_10_Ethics_Minutes_October_2__2020.pdf

2020_10_Ethics_Minutes_October_22__2020.pdf

2020_11_Ethics_Minutes_November_12__2020.pdf

2020_12_Ethics_Minutes_December_11__2020.pdf

2020_12_Ethics_Minutes_December_15__2020.pdf

ETHICS BOARD MINUTES

September 28, 2018
7:30 AM

Meeting Room A & B
City-County Government Center

160 S. Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Ethics Board:

Jeff Butz
Paul Czisny
Scott Dell

City Staff:

Deborah S. R. Hoffmann, City Attorney
Alexandra Klimko, Assistant City Attorney

Declaration Quorum Present

APPROVAL OF MINUTES

Approval of Minutes from April 6, 2018

A Motion was made by Paul Czisny to Approve minutes from April 6, 2018 and seconded by Scott Dell, and the Motion was **Passed**.

Ayes: Butz, Czisny, Dell

INPUT

Training by City Attorney Deb Hoffmann

City Attorney Deborah Hoffmann gave training on various ethics topics including the creation of the Wisconsin Ethics Commission and an overview of both Wisconsin state ethics law and City of Fond du Lac ethics ordinances.

Discussion of complaint form and online information

Assistant City Attorney Alexandra Klimko provided the current City of Fond du Lac ethics complaint form for consideration. Information will be put on the City's website regarding the Ethics Board and complaint process. The complaint form will also be updated by City staff before being made available.

Discussion of Solicitation of gifts/donations by the City for City projects

The Ethics Board discussed solicitation for private/public partnerships on City projects in general. The Board determined that a non-profit would be needed to facilitate such fundraising. A City employee could act as a liaison to the non-profit, but could not ask for donations/gifts due to City employment.

ACTION

Adoption of meeting schedule for 2018-2020

The Ethics Board discussed the 2019 meeting schedule. Ethics Board meetings for 2019 will take place on Friday April 5th and Friday October 4th at 7:30 a.m. The Board will determine the 2020 meeting schedule during the 2019 meetings. The 2019 meeting schedule was approved with a **consensus vote**.

Ayes: Butz, Czisny, Dell

Election of Ethics Board Chairperson

A Motion was made by Scott Dell to Elect Paul Czisny as Ethics Board Chairperson and seconded by Jeff Butz, and the motion was **Passed**.

Ayes: Butz, Czisny, Dell

Election of Ethics Board Vice-Chairperson

A Motion was made by Scott Dell to Elect Jeff Butz as Ethics Board Vice Chairperson and seconded by Paul Czisny, and the motion was **Passed**.

Ayes: Butz, Czisny, Dell

ADJOURN

ETHICS BOARD MINUTES

October 10, 2019

8:00 AM

City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

INPUT

Discussion of City Ethics Code and Policy on Gift Acceptance

The Ethics Board reviewed Section 52-7 of the Code of the City of Fond du Lac, and noted that the \$25.00 gift/favor reporting amount needed to be updated to \$50.00 to reflect state law changes. The Ethics Board also suggested changing the annual reporting deadline from January 20 to March 31st to give elected and appointed City officials more time to report.

The Ethics Board reviewed the draft City of Fond du Lac Gift Agreement and discussed how the City could handle solicitations.

ADJOURN

DRAFT

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Discussion of City Ethics Code and Policy on Gift Acceptance

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

[FDL Code Chp 52 Gifts.pdf](#)

[FDL Employee Handbook Gift Policy.pdf](#)

[GIFT AGREEMENT.pdf](#)

DRAFT

Chapter 52. Ethics, Code of

§ 52-7. Conflict of interest.

- A. Financial and personal interest prohibited. No elected or appointed official, 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. Incompatible employment. No elected or appointed official 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 his official duties, unless otherwise permitted by law and unless disclosure is made as provided below.
- C. Disclosure of confidential information. No elected or appointed official shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City nor shall such information be used to advance the financial or other private interest of the official or others. Information generated in closed session shall be confidential until such time as it is legally allowed or required to be made public.
- D. Gifts and favors.
- (1) No elected or appointed official shall accept anything of value, whether in the form of gift, 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. Any elected or appointed official who receives, directly or indirectly, any gift or gifts having an aggregate value of more than \$25 within any calendar year from any person who is known by such official to be interested directly or indirectly in any manner whatsoever in business dealings with the City upon which the official has any influence or input or over which the official has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Ethics Board by January 20 following the year in which the gift is received.
 - (2) No elected or appointed official 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 official's actions or judgments or be considered a reward for any action or inaction on the part of the official.
 - (3) An elected or appointed official 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. Participation in celebrations, grand openings, open houses, informational meetings and similar events is excluded from this prohibition. This subsection 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.

- (4) Gifts received by an elected or appointed official under unusual circumstances should be referred to the Ethics Board within 10 days of receipt for recommended disposition.

E. Contracts.

- (1) No elected or appointed official and no business in which an elected or appointed official holds a 10% or greater interest may enter into a contract with the City involving a payment or payments of more than \$3,000 within a twelve-month period unless such official has first made a written disclosure of the nature and extent of such relationship or interest to the Ethics Board and department acting for the City in regard to such contract, with the following exceptions:^[1]

- (a) The contract is awarded through a process of public notice and competitive bidding; or
- (b) The City Council waives the requirement of this subsection after determining that it is in the best interest of the City to do so.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.

- (3) This subsection does not affect the application of § 946.13, Wis. Stats.

- F. Disclosure of interest in legislation. Any member of the City Council who has a financial interest or personal interest in any proposed legislation before the City Council shall disclose on the records of the Council or the Ethics Board created by this chapter the nature and extent of such interest.

- G. Campaign contributions. Campaign contributions shall be reported by all candidates for City office in conformance with the provisions of Ch. 11, Wis. Stats. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the Ethics Board.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- H. Interference with election officials. No elected or appointed official or candidate for elective office shall in any manner interfere with or obstruct any local election official from performing his statutory duties and responsibilities as provided in Chs. 7, 8 and 11, Wis. Stats., unless such official is specifically authorized to perform those duties and responsibilities.

E. GIFTS & FAVORS

City employees are trusted to act in the public's best interest when fulfilling their employment duties. It is inconsistent with that trust to accept gifts or favors for the execution of their duties.

Policy: City employees shall not directly or indirectly solicit or accept any personal gifts, favors, services, money or anything with an individual or cumulative value of \$25.00 or more from the public or any organization. Employees shall not accept gifts, money or anything of value for services which they are employed by the City to provide (e.g. enforcing City/State laws and/or codes, enforcing City contracts, inspections, citizen assistance, etc.).

Disclosure: Employees are required to immediately disclose to their Supervisor and the Human Resources Department any offer or receipt of a gift of money or anything of value which may tend to influence the impartial discharge of the employee's duties from any person, business entity or other organization to the employee or a member of his/her immediate family (i.e. father, mother, brother/sister, spouse, children).

Employees with enforcement/inspection/decision-making responsibilities should bear in mind that the donor of gifts, presents or favors may come to expect or seek preferential treatment later. Gifts from "grateful/appreciative" citizens are to be discouraged. If gifts cannot be declined gracefully, the employee should report receipt to his/her immediate supervisor who will coordinate appropriate disposition.

GIFT AGREEMENT

This Gift Agreement ("Agreement"), effective as of _____, 20____ ("Effective Date"), is made and entered into by and between _____, whose address is _____ ("Donor") and the City of Fond du Lac (the "City") for the use and benefit of the City of Fond du Lac. Based upon the Recitals below, and in consideration of the mutual promises and benefits hereunder, the parties hereto hereby agree as follows:

RECITALS

Donor wishes to make a charitable gift to the City for the use and benefit of the City as set forth in this Agreement.

The City Council and the City desire to accept such gift, subject to the terms and conditions set forth in this Agreement.

AGREEMENT

1. **Gift.** Donor hereby pledges to the City for the use and benefit of the Lakeside Park, Fond du Lac Softball and the Fond du Lac School District Recreation Department the following gift: \$_____ ("Gift"). If the Gift in kind (thing or service), describe it and how and when it will be provided:

2. **Payment of the Gift.** The Gift is an irrevocable pledge that will be paid to the City over a period of ____ () years. Payments in support of this pledge will begin immediately upon the execution of this Agreement with an initial payment of \$_____ and will continue annually thereafter on the anniversary of the Effective Date according to the following schedule:

<u>Amount of payment by Donor</u>	<u>Due Date</u>
\$ _____	_____, 20__
\$ _____	_____, 20__
\$ _____	_____, 20__
\$ _____	_____, 20__
\$ _____	_____, 20__

Donor may accelerate the payment of any or all of this pledge at any time in Donor's discretion so long as the cumulative total of all gift payments meets the foregoing schedule. Payments shall be paid by Donor to City via check, electronic funds transfer, stocks or other securities, or other methods acceptable to Donor and the City.

3. **Use of the Gift.** The Gift will be used [*insert "for any purposes within the City's mission or purposes" or if Donor has specific requirements, insert Donor's use requirements; if applicable, insert appropriate endowment language*].

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4. **Acknowledgment.** In consideration for the Gift, the City will acknowledge the Gift by naming the *[insert area or location to be named, including the facility to which it belongs (“Facility”), and then the new name of the area or location] (“Naming”). [Example: by naming the Reception Area of the City of Fond du Lac _____ (“Facility”) (the Name of Donor) Reception Area (“Naming”)]*. Before the Naming is erected, Donor shall demonstrate reasonable and timely pledge payments. After the Naming is affixed, Donor will continue pledge payments in accordance with the foregoing schedule. Subject to the terms of this Agreement, the Naming will last for the useful life of the Facility. (If the acknowledgment does not include naming – describe how gift will be acknowledged)
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-

5. **Termination of Naming.** In addition to any rights and remedies available at law, the City may terminate this Agreement and all rights and benefits of the Donor hereunder, including terminating the Naming:

- a. In the event of any default in payment of the Gift as provided in this Agreement, or
- b. In the unlikely event the City determines in its reasonable and good faith opinion that circumstances have changed such that the Naming chosen by the Donor would adversely impact the reputation, image, mission or integrity of the City of Fond du Lac, in the event of a continued association with Donor and the continuation of the Naming provided for herein.

Upon any such termination of this Agreement and/or the Naming hereunder, the City of Fond du Lac shall have no further obligation or liability to Donor and shall not be required to return any portion of the Gift already paid. The City, however, may in its sole and absolute discretion determine an alternative recognition for the portion of the Gift already received.

6. **Modification of Naming.** If during the useful life of the Facility, the Facility is transferred or conveyed from City, closed, deconstructed, destroyed or severely damaged, significantly renovated, upgraded, or modified; relocated, or replaced, then the Naming will cease. In such event, however, the Donor, if available, and in consultation with and as mutually agreed by the City, will have the right, for no additional payment, to have another available and equivalent City facility named after the Donor.

7. **Publicity**

For purposes of publicizing the Gift and the Naming, the City will have the right, without charge, to photograph the Donor and use the names, likenesses, and images of the Donor in photographic, audiovisual, digital or any other form of medium (the “Media Materials”) and to use, reproduce, distribute, exhibit, and publish the Media Materials in any manner and in whole or in part, including in brochures, website postings, informational and marketing materials, and reports and publications describing City’s development and business activities.

8. **Assignment.** This Agreement and the rights and benefits hereunder may not be assigned by either party without the prior written consent of the other party, which consent shall be in the sole and absolute discretion of the non-assigning party.
9. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties with regard to the matters referred to herein, and supersedes all prior oral and written agreement, if any, of the parties in respect hereto. This Agreement may not be modified or amended except by written agreement executed by both parties hereto. The captions inserted in this Agreement are for convenience only and in no way define, limit, or otherwise describe the scope or intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.
10. **Governing Law and Venue.** This Agreement will be governed by and construed in accordance with the laws of the State of Wisconsin without regard to any conflict of laws rule or principle that might refer the governance or construction of this Agreement to the laws of another jurisdiction. Subject to the sovereign immunity of the State of Wisconsin, any legal proceeding brought in connection with disputes relating to or arising out of this Agreement will be filed and heard in Fond du Lac County, Wisconsin, and each party waives any objection that it might raise to such venue and any right it may have to claim that such venue is inconvenient.
11. **City Council Approval.** This Agreement and the recognition and naming provided for herein are subject to the approval by the City Council and this Agreement will not be effective unless and until approved by the City Council.

ACCEPTED AND AGREED TO:

DONOR NAME

Name

CITY OF FOND DU LAC

By: _____

_____, City Manager

Attest: _____

_____, City Clerk

Approved as to form:

Deborah S. R. Hoffmann
City Attorney

ETHICS BOARD MINUTES

September 18, 2020

1:00 PM

Conference Room A

City-County Government Center

160 South Macy Street

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn To Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of a verified ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1)(f), (h).

A Motion was made by Jeff Butz to adjourn to Closed Session and seconded by Bojan Ljubenko, and the motion was **Passed**.

Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn To Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of a verified ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1)(f), (h).

Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

October 2, 2020

8:30 AM

HR/Legal Conference Room

City-County Government Center

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn To Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of a verified ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1) (f), (h).

A Motion was made by Jeff Butz to Adjourn to Closed Session and seconded by Bojan Ljubenko, and the motion was **Passed**.

Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn To Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

October 22, 2020

8:30 AM

City-County Government Center

Conference Room C

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn to Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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A Motion was made by Jeff Butz to Adjourn to Closed Session and seconded by Bojan Ljubenko, and the motion was **Passed**.

Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

November 12, 2020

1:00 PM

160 South Macy Street

City-County Government Center

Conference Room C

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn to Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of a verified ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation. This subject is exempt under Wisconsin Statutes Section 19.85(1) (f), (h).

A Motion was made by Jeff Butz to Adjourn to Closed Session and seconded by Bojan Ljubenko, and the motion was **Passed**.

Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

December 11, 2020

8:30 AM

City-County Government Center

Conference Room A

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Scheduling Conference for Section 52-9(F) Hearing for Councilmember
Ben Giles

ADJOURN

DRAFT

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN

Scheduling Conference for Section 52-9(F) Hearing for Councilmember Ben Giles

Subject:

Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

December 15, 2020

4:00 PM

Conference Room A

City-County Government Center Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Scheduling Conference For Section 52-9(F) Hearing for
Councilmember Ben Giles

- Introductions made by Ethics Board Members and City Attorney's Office
- Appearances made by Attorney Dan Bach for Councilperson Ben Giles. Both Attorney Bach and CM Giles appeared virtually via GotoMeeting.
- Appearance made by Attorney Tony Renning on behalf of the complainants and the City of Fond du Lac. Attorney Renning appeared virtually via GotoMeeting.
- Attorney Bach provided affirmation to the Ethics Board that CM Giles wanted the Section 52-9(F) Ethics Hearing to be conducted in open session. The Board and attorneys discussed the location of the Ethics Hearing in the Legislative Chambers, which will be open to the public.
- The City Attorney's Office provided the Ethics Board, Attorney Bach, and Attorney Renning with requested documents from the Fond du Lac County District Attorney's Office. Unredacted portions of the documents and recordings may be available to the parties through the City of Oshkosh Police Department.
- Section 52-9(F) Ethics Hearing scheduled for February 5th, 2020, at 8:30 a.m. in the Legislative Chambers, City/County Government Building, 160 South Macy Street, Fond du Lac, WI.

- Witness lists, exhibits, and any pre-hearing matters must be exchanged between parties by January 29, 2021. Parties can file with the City Attorney's Office.
- COVID precautions, including, but not limited to social distancing and mandatory masks will be enforced at the hearing.

ADJOURN

DRAFT

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Minutes from 2021

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

2021_01_Ethics_Minutes_January_5__2021.pdf
2021_01_Ethics_Minutes_January_19__2021.pdf
2021_02_Ethics_Minutes_February_5__2021.pdf
2021_02_Ethics_Minutes_February_9__2021.pdf
2021_05_Ethics_Minutes_May_4__2021.pdf

ETHICS BOARD MINUTES

January 5, 2021

4:30 PM

City-County Government Center

Conference Room A/B

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn to Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

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Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

January 19, 2021

4:00 PM

City-County Government Center

Conference Room A/B

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn to Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

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Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

February 5, 2021

8:30 AM

City-County Government Center

Legislative Chambers

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Pre-Hearing Request by Councilmember Ben Giles for Recusal of
Chairperson Paul Czisny

Section 52-9(F) Ethics Hearing - Christine Brennan and Rosanne Kowal
v. Councilmember Ben Giles

ADJOURN

DRAFT

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN

Pre-Hearing Request by Councilmember Ben Giles for Recusal of Chairperson Paul Czisny

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

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DRAFT

January 12, 2021



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January 12, 2021

City Attorney Deborah Hoffman
dhoffmann@fdl.wi.gov

VIA EMAIL

City of Fond du Lac
160 S. Macy Street
Fond du Lac, Wisconsin 54935

RE: Ben Giles/Ethics Board Hearing

Dear Attorney Hoffman:

Thank you for taking the time yesterday to discuss whether Ethics Board Chair Paul Czisny may have a conflict of interest that would preclude him from presiding over the upcoming proceeding regarding the ethics complaints against my client, Ben Giles. As you know, our concerns relate to Mr. Czisny having signed nomination papers on behalf of Patrick Mullen, who is running for election to the City Council. Mr. Mullen is among the leaders of a group opposed to plans proposed by Lakeside Forward for the development of Lakeside Park. Mr. Mullen also is a plaintiff in a lawsuit brought to compel the City to hold a public referendum on the future of the park. It is my understanding that all Fond du Lac County judges have recused themselves from presiding over that case.

Ordinarily, I would be inclined to agree with you that signing nomination papers does not necessarily imply support for a candidate. However, in this instance it appears that the future of the park is the driving force behind Mr. Mullen's candidacy, as well as a very contentious issue throughout the City. My client's position in regard to development of the park was the motivating factor behind the ethics complaints filed against him. One media account I've read characterized the battle over development of the park as "a key controversy in the community this year." In the face of a political race dominated by a single issue, it is reasonable to infer a connection between support of a candidate's stance on that issue and an act undertaken to advance that candidacy.

While the rules applicable to state court judges in regard to recusal are framed in more general terms than the City of Fond du Lac's ethics code, that no judge in Fond du Lac County would preside over the afore-mentioned case is nonetheless instructive. The Supreme Court Rules, Chapter SCR 60, are designed as much to avoid actual conflicts of interest as they are to avoid the appearance of impropriety. While that objective does not appear explicitly in the City's ethics code, §52-7 does prohibit any act which indirectly furthers a personal interest and that would tend

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to impair independence of judgment in the performance of official duties. Public confidence in the integrity of proceedings to enforce the City's ethics code is no less important than public confidence in an impartial judiciary. I suggest that in the context of proceedings to resolve complaints alleging ethics rule violations, the objectives underlying SCR 60 are no different than those underlying §52-7.

Certainly, this letter and my request that you reconsider this issue is in no way meant to disparage Mr. Czisny or question his right to sign nomination papers. Rather, I am writing because of the significance the upcoming hearing has to my client's reputation and future prospects. To the extent possible, Mr. Giles and the public must be assured that the upcoming proceedings are fair and free from even the appearance of subjectivity.

Thank you for your attention to this matter.

Very truly yours,

LAWTON & CATES, S.C.

/s/ Daniel P. Bach

Daniel P. Bach

DPB/kaf
C: Attorney Tony Renning (via email)

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN

Section 52-9(F) Ethics Hearing - Christine Brennan and Rosanne Kowal v. Councilmember Ben
Giles

Subject:

Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

February 9, 2021

3:00 PM

City-County Government Center

Conference Room D

Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn to Closed Session

Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

The subject of the closed session is: Deliberations following Section 52-9(F) Hearing in Christine Brennan and Rosanne Kowal v. Councilmember Ben Giles.

This subject is exempt under Wis. Stat. Sec. 19.85(1)(a).

A Motion was made by Jeff Butz to adjourn to Closed Session and seconded by Bojan Ljubenko, and the motion was **Passed.**

Ayes: Butz, Czisny, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

Subject: Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

The subject of the closed session is: Deliberations following Section 52-9 (F) Hearing in Christine Brennan and Rosanne Kowal v. Councilmember Ben Giles.

This subject is exempt under Wis. Stat. Sec. 19.85(1)(a).

Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD MINUTES

May 4, 2021

3:30 PM

160 South Macy Street Fond du Lac WI Conference Room A
54935 Fond du Lac, Wisconsin
City-County Government Center

OPENING CEREMONIES

Attendance

Declaration Quorum Present

Adjourn to Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of an ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1)(f), (h).

A Motion was made by Jeff Butz to adjourn to Closed Session and seconded by Bojan Ljubenko, and the motion was **Passed**.

Ayes: Butz, Ljubenko

ADJOURN

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of an ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1)(f), (h).

Effect:

Initiator:

Location:

Recommendation:

DRAFT

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Election of Ethics Board Chairperson

Subject:

Effect:

Initiator:

Location:

Recommendation:

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Election of Ethics Board Vice-Chairperson

Subject:

Effect:

Initiator:

Location:

Recommendation:

ETHICS BOARD AGENDA
CITY OF FOND DU LAC, WISCONSIN
Adjourn to Closed Session

Subject: Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigation.

The subject of the closed session is: Receipt of a verified ethics complaint regarding a specific person, which if discussed in public could have a substantial adverse effect on their reputation.

This subject is exempt under Wisconsin Statutes Section 19.85(1) (f), (h).

Effect:

Initiator:

Location:

Recommendation: