



PLEASE TAKE NOTICE that there will be a City of Lodi Police Commission meeting held on Wednesday, May 8th, 2019 at 6:30 pm in Room 203, City Hall, 130 South Main Street, Lodi, WI.

Police Commission Agenda

1. Call to Order
2. Public Input
3. Rescind the Minutes of the April 30th, 2019 Police Commission Meeting

Documents:

[Police Commission Minutes Of April 30 2019.Pdf](#)

4. Issue Code of Ethics

Documents:

[CH54 Code Of Ethics.pdf](#)

5. Police Department Report
6. Accept Officer Resignation
7. Update on Hiring Process- Police Officer
8. Discussion and Action to Contract with Columbia County Sheriff (Interim)
9. Discussion and Action to Contract with a Consulting Firm to Hire a Police Chief
10. Discussion and Action to Contract Legal Representation - for Police Commission
11. Next Meeting Date and Time
12. Adjourn

Posted: _____

By: _____

To ensure a quorum, please inform the chair if you are unable to attend

**City of Lodi Police Commission Meeting
Minutes – April 30th, 2019**

Present: Robert Westby, Christina Smith-Gallagher, Landon Breunig, Kymtana Woodly

Excused: Bill Statz

Staff: Craig Freitag, Melissa Randall-O'Neil

Robert Westby called the meeting to order at 3:10pm, in the Board Room of the Lodi Public Library, 130 Lodi St., Lodi WI.

Convene to Closed Session: MOTION (Smith Gallagher/Breunig) to convene to closed session at 3:11pm. Roll call vote taken – Aye (Westby, Breunig, Smith-Gallagher, Woodly); Nay (0). **Motion carried.** Discussion took place in closed session.

Reconvene to Open Session: MOTION (Smith-Gallagher/Woodly) to reconvene to open session at 3:17pm. Roll call vote taken – Aye (Smith-Gallagher, Breunig, Woodly, Westby); Nay (0). **Motion Carried.**

Discussion and Possible Action Related to Closed Session: MOTION (Smith-Gallagher/Woodly) to appoint Lieutenant Craig Freitag as Chief of Police, Lodi Police Department, City of Lodi, State of Wisconsin, effective 5/1/2019. Roll call vote taken - Aye (Westby, Breunig, Woodly, Smith-Gallagher); Nay (0) **Motion Carried.**

Adjourn: MOTION (Westby/Woodly) to adjourn at 3:30pm. **Motion Carried.**

Minutes by Melissa Randall-O'Neil, Administrative Assistant, Lodi Police Department.

These minutes have not been approved and are subject to change or correction.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 54

Ethics, Code of

[HISTORY: Adopted by the Common Council of the City of Lodi 11-6-2007 by Ord. No. A-384. Amendments noted where applicable.]

GENERAL REFERENCES

Ethics Inquiry Board — See Ch. 12, § 12-15.

Grievance procedures — See Ch. 63.

Officers and employees — See Ch. 78.

§ 54-1 Declaration of policy.

A. To ensure that the public can have complete confidence in the integrity of the City of Lodi government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of City government demands that:

- (1) City of Lodi officials and employees be independent, impartial and responsible to the people;
- (2) Decisions be made in the proper channels of the City structure;
- (3) City offices should not be used for personal gain;
- (4) City business should be conducted in such a way so as to reinforce the public's confidence in its integrity.

B. In recognition of these fundamental principles, there is hereby created a Code of Ethics.

§ 54-2 Purpose.

The purpose of this Code is to establish ethical standards of conduct for all City of Lodi officials and employees by identifying those acts or actions that are not compatible with the best interest of the City. Because representatives of the City are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as City officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for City officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

§ 54-3 Responsibility of public office.

City officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, and the ordinances of the City of Lodi. Further, they are bound to observe, in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

§ 54-4 Applicability.

This code governs all City of Lodi officials, whether elected or appointed, paid or unpaid, including

members of boards, committees and commissions, department heads, and other City employees. All Lodi officials and employees shall be provided a written copy of this code, and each shall sign an acknowledgement indicating that he/she has been provided a copy of the code and read it. The acknowledgement should be signed by each official or employee, with his/her signature witnessed and dated.

§ 54-5 Exemptions.

Political contributions which are reported under Chapter 11, Wis. Stats., are exempt from the provisions of this code.

§ 54-6 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANYTHING OF VALUE

Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the state or City, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, information or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.

EMPLOYEE

All persons filling an allocated position of City employment and all members of boards, committees, and commissions.

FINANCIAL INTEREST

Any interest which yields, directly or indirectly, a monetary or other material benefit to the City officer or employee or to any person employing or retaining services of the City officer or employee.

IMMEDIATE FAMILY

An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

OFFICIAL

All City department heads or directors, a member of the Common Council, and all other City elected and appointed officers.

PERSON

Any individual, corporation, partnership, joint venture, association or organization.

PRIVILEGED INFORMATION

Any written or oral material related to City government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

RELATED PERSON

Spouse, parents, children, siblings, and any person sharing the employee's residence.

§ 54-7 Fair and equal treatment.

A. Use of public property. An official or employee shall not use, or knowingly permit the use of, City

services or City-owned vehicles, equipment or materials for unauthorized nongovernmental purposes or for unauthorized personal convenience or for profit.

- B. Obligations to citizens. An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of the Mayor or Alderpersons to diligently represent their constituency.

§ 54-8 Conflicts of interest.

- A. Receipt of gifts and gratuities prohibited. An official or employee shall not accept anything of value, whether in the form of a gift, service, loan or promise, from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.
- B. Exception. It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to him or her independent of his or her position as an official or employee.
- C. Business interest. An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
- (1) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (2) Is contrary to the provisions of this code; or
 - (3) May impair his or her independence of judgment or action in the performance of his or her official duties.
- D. Employment. A City official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.
- E. Contracting. A City official or employee in their private capacity is prohibited from participating in the formation of a contract or contracts with City of Lodi. A City official or employee may contract, without participation in the negotiation or bidding process, with the City of Lodi if the receipts or disbursements are less than \$15,000 in any year.

§ 54-9 Financial interest in legislation.

A member of the Common Council who has a financial interest in any proposed action before the Common Council shall disclose the nature and extent of such interest to the City Clerk and the Common Council prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the Common Council shall request to be excused by the Council or Committee Chair for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official or employee who has a financial interest in any proposed action before the Common Council, and who participates in discussion with or gives an official opinion or recommendation to the Common Council, shall first disclose the nature and extent of such interest to the Common Council.

§ 54-10 Disclosure of privileged information.

An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

§ 54-11 Gifts and favors.

An official or employee shall not accept, from any person or organization directly or indirectly, anything

of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or is provided to such official or employee because of his or her position or office and could reasonably be considered as a reward for any governmental action or inaction.

§ 54-12 Nepotism.

- A. Department heads are prohibited from hiring a person related to them for City employment.
- B. No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be individually and directly supervising or receiving direct and individual supervision from a related person.

§ 54-13 State statutes incorporated.

- A. Statutes incorporated by reference. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

§ 19.01 (Oaths and bonds)

§ 19.21 (Custody and delivery of official property and records)

§ 19.59 (Code of ethics for local government officials, employees and candidates)

§ 19.81 through § 19.89 (Open Meetings of Governmental Bodies)

- B. Violation of incorporated statutes. Officials shall comply with the sections of the Wisconsin Statutes incorporated in this code, and failure to do so shall constitute a violation of this Code of Ethics.

§ 54-14 Investigation and enforcement.

- A. Advisory opinions. Any person governed by this Code of Ethics may apply in writing to the Ethics Board for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All requests for opinions and opinions rendered shall be in writing. The Ethics Board may consult with the City Attorney as needed. Records of the City Attorney's opinions, opinion requests and investigations of violations shall be closed to inspection, as required by Chapter 19, Wis. Stats. Such records may be made public with the consent of the applicant.
- B. Complaints. The City Attorney shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this code and sets forth the material facts involved in the allegation. The City Attorney shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within 10 days. If no action on the verified complaint is taken by the Ethics Inquiry Board within 30 days, the complaint shall be dismissed.
 - (1) Preliminary investigations. Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to the alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to § **54-14D** before the Ethics Inquiry Board.
 - (2) Time limitations. The Ethics Inquiry Board may investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.

- C. Ethics Inquiry Board. The Ethics Inquiry Board shall be established pursuant to § **12-15**.
- (1) Powers and duties. The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact-finding hearing pursuant to § **54-14D**, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Ethics Inquiry Board after preliminary review pursuant to § **54-14B** through **D**.
 - (2) Burden of proof. The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
- D. Hearing. The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Ethics Inquiry Board. The Ethics Inquiry Board shall keep a record of the hearing. The Ethics Inquiry Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under §§ 19.59(3) and 885.01, Wis. Stats.
- (1) Within 10 work days of the conclusion of the hearing, the Ethics Inquiry Board shall file its written findings and recommendations signed by all participating members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Ethics Inquiry Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint and, if requested to do so by the accused, issue a public statement.
 - (2) No recommendation of the Ethics Inquiry Board becomes effective until 20 work days after it is issued, or while an application for rehearing or rehearing before the Ethics Inquiry Board is pending, or the Ethics Inquiry Board has announced its final determination on rehearing.
- E. Enforcement and penalties. If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the Common Council or, in the case of an employee, to the Administrative Coordinator. The Board may make the following recommendations:
- (1) Recommend that the Common Council order the officer or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may also recommend denial of merit increase, suspension without pay, demotion, discharge, or other appropriate disciplinary action.
 - (2) The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of § 19.59, Wis. Stats.