THE CITY OF
KENOSHA
CHART A BETTER COURSE

AGENDA
Committee on Licenses/Permits

625 52nd Street
Room 202
November 28, 2016
4:30 P.M.

Chairperson Curt Wilson
Vice-Chairperson Patrick Juliana

Alderperson Jesse Downing
Alderperson Anthony Kennedy
Alderperson John Fox

Call to Order
Roll Call
Citizen Comments

Approval of the minutes of the regular meeting held on November 14, 2016.

1. Application of Lori English for a new Operator (Bartender's) License, with a recommendation from the City Attorney to grant, subject to 20 demerit points.

2. Application of Sergio Gonzales for a new Operator (Bartender's) License, with a recommendation from the City Attorney to deny, based on material police record and false application.

3. Ordinance by the Mayor – To Repeal Section 1.06 A.A. (of the Code of General Ordinances) Entitled "Ethics Board", to Create Section 1.295 (of the Code of General Ordinances) Entitled "Confidentiality and Impartiality; to Repeal and Recreate Section 29.06 (of the Code of General Ordinances) Relating to Penalties For Failure to File a Statement of Economic Interest, and to Repeal and Recreate Chapter 30 (of the Code of General Ordinances) Entitled "Code Of Ethics".

4. Ordinance by the Mayor – To Repeal and Recreate Subparagraph 13.015 E. (of the Code of General Ordinances) Regarding Temporary Cement Batch Plants.

5. Ordinance by the Mayor – To Repeal and Recreate Subsection 12.001 B.1. (of the Code of General Ordinances for the City of Kenosha) Regarding Amusement Device License Required.

ALDERPERSONS' COMMENTS:

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 262-653-4170 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.

ADDENDUM

Committee on Licenses/Permits

625 52nd Street
Room 202
November 28, 2016
4:30 P.M.

Chairperson Curt Wilson
Vice-Chairperson Patrick Juliana

Alderperson Jesse Downing
Alderperson Anthony Kennedy
Alderperson John Fox

Call to Order
Roll Call
Citizen Comments

1. Discussion of backup to be included with agenda items.

ALDERPERSONS' COMMENTS:

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 262-653-4170 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.

THE CITY OF KENOSHA
CHART A BETTER COURSE

MINUTES
November 14, 2016
Committee on Licenses/Permits

A meeting of the Committee on Licenses/Permits was held on November 14, 2016, in Room 202 of the Kenosha Municipal Building.

The meeting was called to order at 4:30 p.m. by Chair Wilson.

At roll call, the following members were present: Alderpersons Juliana, Downing, Kennedy and Fox. Deputy City Attorney Matt Knight was present.

Citizen Comments: KPD Det. Keith Dumesic and Ken Zigner spoke in favor of Grewal Food Mart, Inc.'s Class "B" Beer/"Class B" Liquor License application. Bruce Dentice from Sam's Amusement spoke against the Ordinance to increase the Amusement Device licensing fee.

Approval of the minutes of the regular meeting held October 24th, 2016.
It was moved by Alderperson Juliana, seconded by Alderperson Downing to approve. Motion carried unanimously.

1. Applications for new Operator (Bartender's) Licenses, with a recommendation from the City Attorney to grant, subject to:
   - 0 demerit points:
   a. Kulvir Singh
   - 20 demerit points:
   b. Ahmad Nasir Yusuf
   - 40 demerit points:
   c. King Tran – *present and spoke*
   - 45 demerit points:
   d. Ali Murtaza
   - 50 demerit points:
   e. Laura Yarbrough
   f. Stephani Russell
   - 60 demerit points:
   g. Jesus Badillo Tejeda

Alderpersons Juliana and Attorney Knight spoke. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to concur with the recommendation of the City Attorney. Motion carried unanimously.

2. Application of Rachel Rodriguez for a new Operator (Bartender's) License, with a recommendation from the City Attorney to deny, based on material police record and false application.

It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to concur with the recommendation of the City Attorney. Motion carried unanimously.

3. Application of Devin Hanna for a new Operator (Bartender's) License, with a recommendation from the City Attorney to deny, based on material police record and false application.

It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to concur with the recommendation of the City Attorney. Motion carried unanimously.

4. Application of Brian Walraven for a new Taxi Driver's License, with a recommendation from the City Attorney to grant, subject to 80 demerit points. (*Referred from the Common Council meeting on November 7th, 2016)*

Alderperson Wilson passed the gavel and spoke. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to concur with the recommendation of the City Attorney. Motion carried unanimously.

5. Application of Lonnie DeFord for a new Taxi Driver's License, with a recommendation from the City Attorney to deny, based on material police record.

It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to concur with the recommendation of the City Attorney. Alderperson Downing abstained. Motion carried unanimously.

6. Application of Sawsan's Market, LLC (Ali Sawsan, Agent), for a Class "A" Beer License located at 1824 50th St. (Quality Foods), upon surrender of a similar license at the same location from Quality Food Market, Inc., with no adverse recommendations. (District 7)

Applicant was present and spoke. It was moved by Alderperson Juliana, seconded by Alderperson Downing to concur with the recommendation of the City Attorney. Motion carried unanimously.

7. Application of Grewal Food Mart, Inc. (Varinder Singh, Agent), for a Class "B" Beer/"Class B" Liquor License located at 1912 52nd St. (Moe Moe's Midnight), upon surrender of a similar license at the same location from G-Knows, Inc., with no adverse recommendations. (District 7)

Applicant was present and spoke. Mustafa Mustafa, Attorney Knight, and Alderpersons Kennedy, Juliana and Wilson spoke. It was moved by Alderperson Juliana, seconded my Alderperson Downing to approve. Motion carried 4-1, with Alderperson Kennedy voting nay.

8. Application of AJPN, Inc. (Pennie Jarvi, Agent), for a Class "B" Beer/"Class B" Liquor License located at 5605 22nd Ave. (Kenosha Midnight Liquor), upon surrender of a similar license at the same location from Kenosha Midnight, Inc., with no adverse recommendations. (District 2)

Applicant and Agent were present and spoke. Alderpersons Wilson and Fox spoke. It was moved by Alderperson Juliana, seconded by Alderperson Fox to approve. Motion carried unanimously.

9. Application of The Waves Bar & Grill, LLC (Heather Martinez, Agent), for a Class "B" Beer/"Class B" Liquor License located at 2232 Roosevelt Rd. (The Waves Bar & Grill), upon surrender of a similar license at the same location from Bindelli's Safari, Inc., with a recommendation from the City Attorney to grant, subject to 20 demerit points. (District 3)

Applicant was present and spoke. Alderpersons Wilson and Fox spoke. It was moved by

Alderperson Kennedy, seconded by Alderperson Juliana to approve. Motion carried unanimously.

10. Applications for Probationary Cabaret Licenses, with no adverse recommendations:
    a. AJPN, Inc., (Kenosha Midnight Liquor, 5605 22nd Ave., District 2)
    b. The Waves Bar & Grill, LLC, (The Waves Bar & Grill, 2232 Roosevelt Rd., District 3)

Applicants were present and spoke. Alderpersons Wilson and Fox spoke. It was moved by Alderperson Juliana, seconded by Alderperson Fox to approve. Motion carried unanimously.

ALDERPERSONS' COMMENTS: None

There being no further business to come before the Licensing/Permit Committee, it was moved, seconded and unanimously carried to adjourn at 5:10 p.m.

Operator's (Bartender) License

Police Record Report

APPLICANT INFORMATION			
Date of Application	Name of Applicant	Applicant's Date of Birth	Driver's License Status
11/18/2016	Lori English		Valid
License Number	Address of Applicant	Business (where license is to be used)	Business Address
N170813	8408-22nd Avenue	PDQ	

DATE OF CHARGE	OFFENSE	CASE STATUS	OFFENSE LISTED ON APPLICATION	POINTS
1/4/2013	ANIMAL LAWS, OTHER	GUILTY	N	0

CITY ATTORNEY'S RECOMMENDATION		
Offense Demerit Points	0	
Were all offenses listed on the application?	N=20	
TOTAL DEMERIT POINTS	20	

CITY ATTORNEY'S COMMENTS

FINAL RECOMMENDATION

[X] **GRANT,** Subject to [20] Demerit Points

[ ] **DENY,** based on material police record (substantially related to the license activity)

[ ] **DEFER or GRANT subject to** Non-Renewal Revocation due to False Application

Operator's (Bartender) License
Police Record Report

APPLICANT INFORMATION			
Date of Application	Name of Applicant	Applicant's Date of Birth	Driver's License Status
11/16/2016	Sergio Gonzales		Revoked
License Number	Address of Applicant	Business (where license is to be used)	Business Address
N170809	6631-16th Avenue	Infusino's	

DATE OF CHARGE	OFFENSE	CASE STATUS	OFFENSE LISTED ON APPLICATION	POINTS
1/1/2013	OPERATING WHILE INTOXICATED-4TH OFFENSE W/IN 5 YRS - FELONY H	GUILTY	Y	100
6/7/2013	RESIST/OBSTRUCT OFFICER	GUILTY	N	25
11/6/2015	RETAIL THEFT-INTENTIONALLY TAKE >$500-$5000- FELONY I	GUILTY	N	100
6/10/2014	THEFT-MOVABLE PROPERTY <=$2500	GUILTY	Y	20
6/10/2013	BAIL JUMPING-FELONY H	GUILTY	Y	100
6/22/2012	THEFT-MOVABLE PROPERTY <=$2500 -3 COUNTS	GUILTY	Y	20 X 3 = 60
8/15/2008	2ND DEGREE RECKLESSLY ENDANGERING SAFETY-FELONY G	GUILTY	Y	100
7/30/2012	OPERATING AFTER REVOCATION	GUILTY	N	10

CITY ATTORNEY'S RECOMMENDATION		
Offense Demerit Points	515	
Were all offenses listed on the application?	N=20	
TOTAL DEMERIT POINTS	535	

CITY ATTORNEY'S COMMENTS

FINAL RECOMMENDATION

[ ] **GRANT**, Subject to [ ] Demerit Points

[X] **DENY**, based on material police record and false application

[ ] **DEFER or GRANT subject to** Non-Renewal Revocation due to False Application

Adverse

FILED 11.16.16
INITIALS CA
ADVERSE/NO ADV
LP
CC
LETTER

THE CITY OF KENOSHA
CHART A BETTER COURSE

BARTENDER'S (OPERATOR'S) LICENSE
CLK217 (rev. 03/16)

Fee: $75.00 ☒ new ☐ renewal

☒ Beverage Course Completed
☐ **HOLD** for Beverage Course

License # 170809
Provisional Issued: yes no

I hereby apply for an Operator's License to serve Alcoholic Beverages in any place of business operated under a Class "B", "Class B", Class "A", "Class A", and/or "Class C" License in the City of Kenosha to and including the 30th day of June, 2018 (unless sooner revoked). I hereby note that I am responsible for knowing and abiding by the contents of Chapter 125 of the Wisconsin Statutes and Chapter 10 of the Code of General Ordinances and that my license may be suspended, revoked, or not renewed, and/or I may be subject to a civil forfeiture for non-compliance therewith.

Last Name: Gonzales First Name: Sergio MI: I
(NOTE: Name must appear exactly as it appears on driver's license or state ID)

Date of Birth: _____ Gender: M Phone: 262-220-3123

Home Address: 6631-16th Ave Kenosha WI. 53143
CITY STATE ZIP

Email: SergioG8605@Gmail.com
(correspondence will be via email if address is given)

Driver's License or State ID Number _____ _____
STATE NUMBER

Name of Business Where License will be used Infusino's waitor
(PLEASE NOTE: license may be utilized in the City of Kenosha only.)

ANSWER THE FOLLOWING QUESTIONS TRULY AND COMPLETELY:

1. Have you, as an adult, ever been convicted of a major crime (felony), minor crime (misdemeanor), or of violating a municipal or county ordinance in Wisconsin, or in any other State; or do you have a charge pending at this time? ☒ Yes ☐ No **If yes, state: charge, year, result:**
   Felony Bail Jumping - probation
   2nd Degree Reckless Endangerment
   OWI - 4th Felony theft

2. Have you, as an adult, ever served time; or have been sentenced to serve time in a jail or prison in Wisconsin or any other State? ☒ Yes ☐ No **If yes, explain:**
   Felony Bail Jumping Revoked probation

3. Have you ever had your driver's license suspended or revoked in Wisconsin or in any other State?
☒ Yes ☐ No **If yes, explain:**
OWI in Wisconsin

4. Have you received any traffic citations in Wisconsin or in any other state within the past five (5) years; or do you have any such citations pending? ☐ Yes ☒ No **If yes, state: charge, year, result:**

5. Have you, as an adult, within the **past five (5) years**, while operating a business or engaged in a profession, been convicted of any state or federal charges; or do you have charges pending at this time involving unfair trade practices, unethical conduct, or discrimination? ☐ Yes ☒ No
If yes, state: charge, year, result:

6. List the name and address of all employers for which you have worked and/or businesses you have operated in the **past five (5) years:**
Roots Salon and Spa — Panera Bread
Kohls Dept Store — Infusino's
Omecco Manufacturing

7. List all addresses at which you have lived in the **past five (5) years:**
6631-16th Ave Kenosha, WI 53143
7406-5th Ave Kenosha, WI 53143
1208-68th St. Kenosha, WI 53143

READ CAREFULLY BEFORE SIGNING: I hereby certify that I am the applicant named in this application, and I have read and answered each and every question truly, correctly, and completely, under penalty of law for failure to do so. If this application contains statements or information which is untrue, incorrect and/or incomplete in any material respect, **it may be denied.**

Applicant's Signature: _____ Date: 11-16-16

Drafted 11/10/16

SPONSOR: THE MAYOR

TO REPEAL SECTION 1.06 A.A. OF THE CODE OF GENERAL ORDINANCES ENTITLED "ETHICS BOARD", TO CREATE SECTION 1.295 OF THE CODE OF GENERAL ORDINANCES ENTITLED "CONFIDENTIALITY AND IMPARTIALITY; TO REPEAL AND RECREATE SECTION 29.06 OF THE CODE OF GENERAL ORDINANCES RELATING TO PENALTIES FOR FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST, AND TO REPEAL AND RECREATE CHAPTER 30 OF THE CODE OF GENERAL ORDINANCES ENTITLED "CODE OF ETHICS"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 1.06 A.A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Two: Section 1.295 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

1.295 CONFIDENTIALITY AND IMPARTIALITY

A. Definitions.

1. Covered Official means any individual holding an elective City office and any individual holding an elective City office serving as a member of a City Board, Committee, Commission or Authority, who is not otherwise covered under Chapter 30 of the Code of General Ordinances. Covered Official does not include any individual holding the office of municipal judge who is governed by State law.

2. Confidential Information means documents that are protected from disclosure under Wisconsin's Public Records Law as well as documents and conversations which are the subject of a closed session under the Wisconsin's Open Meetings Law. Confidentiality shall cease with respect to the following, as hereinafter specified:

a. Contracts & Leases - When a final agreement is approved and executed by the parties.

b. Litigation - When a final order or judgment has been entered by a court or administrative tribunal, and all appeals times have expired with regard to the final order or judgment, excepting matters of attorney/client privilege.

c. Claims Settlement Where No Litigation Exists - When a final release has been executed and received, excepting matters of attorney/client privilege.

d. Deeds and Easements - When a deed or easement is received and accepted.

e. Labor Negotiations - When a labor agreement is approved and executed.

Notwithstanding the above, the Mayor, City Administrator or Department Head responsible for any of the above may waive confidentiality, where a waiver will not damage the interest sought to be protected. However, in no event will the strategy used to achieve a given result be made public, nor will preliminary drafts of documents or agreements, unless required to document or support the City's position in a court of law or before any administrative agency.

3. Disclose, with respect to Confidential Information, means to provide, show or relate documents or conversations to a person who is not privy to Confidential Information or whose input is not essential or beneficial to the processing of a transaction.

4. Quasi-Judicial Capacity means to act in the capacity of an administrative hearing examiner, with respect to the following:

a. Employee disciplinary hearings before the Civil Service Commission, Board of Police and Fire Commissioners, or any other Board, Committee, Commission or Authority.

b. License or Permit suspension, revocation and nonrenewal hearings before the hearing body designated by ordinance or state statute.

Quasi-Judicial Capacity shall not include the process of determining whether or not charges are to be filed or action taken, nor shall it include any legislative acts.

The quasi-judicial process commences, for purposes hereunder, at the time a formal written complaint or appeal is served and filed and shall terminate upon a final decision being made and filed by the hearing body.

B. Construction

This Section shall be construed so as to acknowledge that it is subordinate to Federal and State laws, rules and regulations governing specific Covered Official conduct, and also so as to acknowledge that it is subordinate to Federal and State constitutional rights of a Covered Official.

C. Standards

1. Confidential Information.

a. No Covered Official may disclose any information gained during the course of their service in a confidential capacity to any person, where not expressly or impliedly authorized to do so, unless and until such information is or becomes a public record.

b. No Covered Official may use any information gained during the course of their service in a confidential capacity for their own personal financial gain unless and until such information is or becomes a public record.

The obligation to preserve confidentiality shall continue, following termination of service, for so long as the City's need for confidentiality exists, unless and until such information is or becomes a public record.

2. Quasi-Judicial Hearings.

a. No Covered Official, while acting in a Quasi-Judicial Capacity, may have ex-parte communications, oral or written, initiated or received, with any person having an interest in the matter, outside of the scope of the formal hearing process, when said communication bears on the merits of any issue which is pending before their respective hearing body. Procedural issues are not deemed issues which bear on the merits. A matter shall not be deemed pending until a complaint has been filed. A Covered Official acts in a Quasi-Judicial Capacity when serving on a body which is engaged in conducting a due process hearing.

b. A Covered Official who inadvertently violates the above subsection, shall forthwith notify, in writing, their respective body of the act, date of circumstances, and names of persons involved, attaching a copy of any written communications thereto. A copy of such notice shall also be served upon the parties, or their respective attorneys, which are a party directly involved in the hearing process.

c. No Covered Official may influence or attempt to influence any person who is engaged in conducting a quasi-judicial hearing outside of the hearing process, with respect to the merits of any issue.

D. Penalties

Except as hereinafter provided, anyone violating any of the provisions of this Section, upon conviction thereof, shall be subject to a forfeiture not to exceed One Thousand ($1,000.00) Dollars, plus the payment of the costs of prosecution, assessments and surcharges, and in default of the timely payment thereof, shall either be committed to the County Jail for a period not to exceed ninety (90) days, or the Court may suspend the Defendant's motor vehicle operating privileges until the forfeiture, assessment, surcharges and costs are paid, except that the suspension period may not exceed one (1) year.

Section Three: Section 29.06 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

29.06 PENALTY

A. Any City officer or employee, other than the Mayor or an Alderperson, subject to this Chapter who fails to file a Statement of Economic Interest within the time provided in Section 29.04 shall be notified in writing of their failure to do so by the City Clerk/Treasurer. The notice shall provide that the City officer or employee file a Statement of Economic Interest within ten (10) calendar days and that their failure to do so shall subject them to suspension without pay from their office or position until such time as compliance with this Chapter is achieved. The City Clerk/Treasurer shall report noncompliance to the Mayor who shall be responsible for suspending the non-compliant City officer or employee without pay from their office or position until compliance is achieved. ~~In addition, noncompliance with this Chapter may also constitute a violation of the Code of Ethics contained in Chapter XXX of the Code of General Ordinances subject to enforcement and penalty as provided in the Code of Ethics.~~

B. Any Mayor or Alderperson subject to this Chapter who fails to file a Statement of Economic Interest within the time provided in Section 29.04 shall be notified in writing of their failure to do so by the City Clerk/Treasurer. The notice shall provide that the Mayor or Alderperson file a Statement of Economic Interest within ten (10) calendar days and that their failure to do so ~~may constitute a violation of the Code of Ethics contained in Chapter XXX of the Code of General Ordinances subject to enforcement and penalty as provided in the Code of Ethics.~~shall subject them to the withholding of the payment of their salary and expenses. The City Clerk/Treasurer shall report noncompliance to the Director of Finance who shall be responsible for withholding payment of their salary and expenses until compliance is achieved.

C. Any candidate for elective City office subject to this Chapter who fails to file a Statement of Economic Interest within the time provided in Section 29.04 shall be precluded from having their name placed on the election ballot.

D. Any nominee for a City board, commission, authority or committee subject to this Chapter who fails to file a Statement of Economic Interest within the time provided in Section 29.04 shall be precluded from assuming the position to which they have been nominated.

E. In addition to any other penalties, any person violating any of the provisions of this Section shall, upon conviction, be subject to a forfeiture not to exceed One Thousand Dollars ($1,000.00), together with the costs of prosecution, assessments and surcharges; and, in default thereof, shall be imprisoned for a period not to exceed ninety (90) days, or the Court may suspend the Defendant's motor vehicle operating privileges until the forfeiture, assessments, surcharges and costs are paid, except that the suspension period may not exceed one (1) year.

Section Four: Chapter 30 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

30.01 PURPOSE

~~The purpose of the **"CODE OF ETHICS"** is to:~~

~~**A.** Establish a standard of ethical conduct for covered personnel;~~
~~**B.** Require such financial disclosures as will enable the Code to be enforced; and,~~
~~**C.** Establish procedures which will assist covered personnel in determining their compliance with the Code before the fact, and in establishing a lack of intent for a violation in the event of an inadvertent violation.~~The purpose of this Code is to establish a standard of ethical conduct for a Covered Person; require such financial disclosures as will enable this Code to be enforced; establish procedures to assist a Covered Person in determining their compliance with this Code before the fact and in establishing a lack of intent for a violation in the event of an inadvertent violation; and to provide for the enforcement of this Code.

30.02 DEFINITIONS

A. ~~"CODE"~~Code ~~shall~~ means ~~the **"CODE OF ETHICS"**.~~this Code of Ethics.

B. ~~**"COVERED PERSONNEL/PERSON"** shall mean any City officer or employee, whether elected or appointed, paid or unpaid, full or part time, any member of any City Board, Committee, Commission or Authority, and any employee of the Library, Museum, Housing Authority and Redevelopment Authority. Covered personnel shall also mean, for purposes of **§30.06 F.**, a former employee.~~Covered Person means any non-elected City officer or employee, any non-elected member of any City Board, Committee, Commission or Authority, and any employee of the Library, Museum, Housing Authority and Redevelopment Authority. For purposes of Section 30.06 E. of this Code, Covered Person also means any former non-elected City officer or employee.

Covered Person does not include any candidate for an elective City office, any individual holding an elective City office, or any individual holding an elective City office serving as a member of any City Board, Committee, Commission or Authority.

Any candidate for elective City office, except a candidate for municipal judge, is considered a candidate for local public office subject to the code of ethics for candidates set forth in Section 19.59 of the Wisconsin Statutes, as may be amended from time to time. Any candidate for municipal judge is considered a candidate for state public office subject to the code of ethics for public officials set forth in Sections 19.41-19.58 of the Wisconsin Statutes, as may be amended from time to time.

Any individual holding an elective City office, except the office of municipal judge, and any individual holding an elective City office serving as a member of any City Board, Committee, Commission or Authority is considered a local public official subject to the code of ethics for local government officials set forth in Section 19.59 of the Wisconsin Statutes as may be amended from time to time.

Any individual holding the office of municipal judge is considered a state public official subject to the code of ethics for public officials set forth in Sections 19.41-19.58 of the Wisconsin Statutes as may be amended from time to time.

C. ~~"CONFIDENTIAL" shall mean documents which are marked as "Confidential" and protected from disclosure, as such, under the State's Public Records Law; and documents and conversations which are the subject of an "Executive Session" permitted, as such, under the State's Open Meeting Law.~~

~~Confidentiality shall cease with respect to the following, as hereinafter specified:~~Confidential Information means documents that are protected from disclosure under Wisconsin's Public Records Law as well as documents and conversations which are the subject of a closed session under Wisconsin's Open Meetings Law. Confidentiality shall cease with respect to the following as hereinafter specified:

1. Contracts & Leases - When a final agreement is approved and executed by the parties.

2. Litigation - When a final ~~O~~order or ~~J~~judgment has been entered by a ~~C~~court or ~~A~~administrative ~~T~~tribunal, and all appeal times have expired with regard to the final order or judgment, excepting matters of ~~A~~attorney/~~C~~client privilege.

3. Claims Settlement Where No Litigation Exists - When a final release has been executed and received, excepting matters of ~~A~~attorney/~~C~~client privilege.

4. Deeds and Easements - When a deed or easement is received and accepted.

5. Labor Negotiations - When a labor agreement is approved and executed.

Notwithstanding the above, the Mayor, City Administrator or Department Head responsible for any of the above may waive confidentiality, where a waiver will not damage the interest sought to be protected. However, in no event will the strategy used to achieve a given result be made public, nor will preliminary drafts of documents or agreements, unless required to document or support the City's position in a ~~C~~court of law or before any administrative agency.

D. ~~"DISCLOSE"~~Disclose, with respect to Confidential Information, means to provide, show or relate documents or conversations to a person who is not privy to ~~a transaction~~Confidential Information or whose input is not essential or beneficial to the processing of a transaction.

E. ~~"QUASI-JUDICIAL CAPACITY"~~Quasi-Judicial Capacity means to act in the capacity of an administrative hearing examiner, with respect to the following:

1. Employee disciplinary hearings before the Civil Service Commission, Board of Police and Fire Commissioners, or any other Board, Committee, Commission or Authority.

2. License ~~and~~ or ~~P~~permit suspension, revocation and nonrenewal hearings before the hearing body designated by ~~O~~ordinance or ~~S~~state ~~S~~statute.

~~Said term~~Quasi-Judicial Capacity shall not include the process of determining whether or not charges are to be filed or action taken, nor shall it include any legislative acts.

The ~~Q~~quasi-~~J~~judicial ~~P~~process shall commence~~,~~ for purposes ~~hereunder~~of this Code~~,~~ at the time a formal written complaint or appeal is served and filed and shall terminate upon a final decision being made and filed by the hearing body.

30.03 POLICY

It is the declared policy of the City of Kenosha that a ~~e~~Covered ~~p~~Person~~nel~~ act:

A. Impartially and responsibly.

B. Through the proper channels of the governmental structure.

C. In accordance with the policies promulgated by the Mayor and Common Council.

D. In obedience of all applicable laws, rules and regulations.

E. In a manner as will promote public confidence.

F. Without regard for personal gain attained through the use of their position, other than for authorized compensation.

G. Without regard to age, race, creed, religion, color, handicap, sex, national origin, ancestry or sexual orientation, unless permitted by law.

H. In accordance with employee work rules and relevant established standards of employee performance, where applicable.

I. Within the scope of their authority.

J. In full cooperation with other employees, except where prohibited by confidentiality.

30.04 CONSTRUCTION

This Code shall be construed so as to acknowledge that it is subordinate to Federal and State laws, rules and regulations governing specific ~~e~~Covered ~~p~~Person~~nel~~ conduct, and also so as to acknowledge that it is subordinate to Federal and State ~~C~~constitutional rights of a ~~e~~Covered ~~p~~Person~~nel~~. In the event of a clear and unambiguous conflict, this ~~Ordinance~~ Code, with respect to employees, shall be subordinate to the Civil Service Ordinance and to any applicable labor agreement.

30.05 APPLICATION OF CODE

Any Covered ~~p~~Person~~nel~~ may protect themselves from the inadvertent violation of this Code by procuring a written advisory opinion from the City Attorney prior to acting. Any ~~e~~Covered ~~p~~Person~~nel~~ who acts in accordance with said opinion shall not be subject to prosecution under this Code, even if such interpretation is later reversed or withdrawn.

Any Covered ~~p~~Person~~nel~~ may mitigate the consequence of an inadvertent violation of this Code by making a full disclosure of any facts which would form a basis for determining a violation of this Code, prior to acting, as hereinafter provided. Such disclosure will not preclude prosecution under this Code in the event of a violation thereof, but may be a mitigating factor which could lessen the severity of the offense and subsequent discipline. The required disclosure must be made in writing or noted in the minutes or record of proceedings of any unit or subunits of City government. Any Covered Person who is a member of ~~Members of the Common Council, Committees thereof or of~~ any City Board, Commission or Authority, shall make such disclosure to said respective body. City Department Heads shall make said disclosure to the Mayor or City Administrator. Other employees shall make said disclosure to their Department Head. Employees of the Library, Museum, Housing Authority and Redevelopment Authority shall make said disclosure to their respective Director.

30.06 STANDARDS FOR ETHICAL CONDUCT

A. Crimes Against Government And Its Administration. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may violate Chapter 946, Wisconsin Statutes, "Crimes against Government and its Administration".

B. Public Contracts, Financial Transactions, Real Estate Transactions And The Purchase Or Sale Of Material, Supplies Or Services. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may vote on or participate in a decision-making capacity in any transaction involving a City contract, City financial transaction, City real estate transaction, or in the purchase or sale of any material, supplies or services under circumstances in which they have a personal financial interest therein.

C. Gifts.

1. No ~~e~~Covered ~~p~~Person~~nel,~~ within any calendar year, ~~shall~~ may accept any gift, favor, service, or thing of value, or combination or multiple thereof, from any one person, party, firm or corporation, which is related to City service or employment, which equals or is in excess of Fifty ($50) Dollars.

2. No ~~e~~Covered P~~p~~erson~~nel~~, in the course of their service or employment, ~~shall~~ may give to any person any gift, favor, unauthorized service, or thing of value which may tend to gain any undue or improper favor for them or the City.

~~D. Campaign Contributions. Campaign contributions shall not be construed as gifts, etc. under Subsection C. hereof, but shall be reported by candidates for elected office in a timely manner in accordance with State law.~~

- ~~E~~D. Personal Use of City Property. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may use or permit the use of City property for personal financial gain.

~~F~~E. Confidential Information.

1. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may disclose any information gained during the course of their service or employment in a confidential capacity to any person, where not expressly or impliedly authorized to do so, unless and until such information is or becomes a public record.

2. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may use any information gained during the course of their service or employment in a confidential capacity for their own personal financial gain unless and until such information is or becomes a public record.

The obligation to preserve confidentiality shall continue, following termination of service or employment, for so long as the City's need for confidentiality exists, unless and until such information is or becomes a public record.

~~G~~F. Laws, Rules and Regulations. No ~~e~~Covered ~~p~~Person~~nel shall~~ may, in the course of their service or employment, intentionally violate, cause to be violated, or direct to be violated any Federal, State or City law, rule or regulation.

~~H~~G. Discrimination. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may intentionally engage in any discriminatory conduct as prohibited by local, State or Federal law, rule or regulation.

~~I~~H. Representing Private Interests. No ~~e~~Covered ~~p~~Person~~nel~~ ~~shall~~ may represent any person or party before any City legislative, quasi-legislative, judicial or quasi-judicial body, other than for themselves or their spouse or child. ~~However, nothing herein contained shall be construed to prohibit an elected officer from representing their constituent before any such body.~~

~~J~~I. Political Activity.

1. No ~~e~~Covered ~~p~~Person ~~shall~~ may use, cause to be used, or direct to be used, any City personnel or equipment during working hours, for any political campaign.

2. No ~~e~~Covered ~~p~~Person ~~shall~~ may coerce any employee or person to contribute monetary or other assistance to any political candidate, party or purpose, or to otherwise restrict any employee or person in the free exercise of their ~~C~~constitutional rights in such regard, except where such restriction is imposed by law, rule or regulation.

~~K~~J. Quasi-Judicial Hearings.

1. No ~~e~~Covered ~~p~~Person, while acting in a ~~q~~Quasi-~~j~~Judicial ~~e~~Capacity, ~~shall~~ may have ex-parte communications, oral or written, initiated or received, with any person having an interest in the matter, outside of the scope of the formal hearing process, when said communication bears on the merits of any issue which is pending before their respective hearing body. Procedural issues are not deemed issues which bear on the merits. A matter shall not be deemed pending until a complaint has been filed. A Covered ~~p~~Person~~nel~~ acts in a ~~q~~Quasi-~~j~~Judicial ~~e~~Capacity when serving on a body which is engaged in conducting a due process hearing.

2. A~~ny~~ ~~e~~Covered ~~p~~Person who inadvertently violates the above subsection, shall forthwith notify, in writing, their respective body of the act, date of circumstances, and names of persons involved, attaching a copy of any written communications thereto. A copy of such notice shall

also be served upon the parties, or their respective attorneys, which are a party directly involved in the hearing process.

3. No ~~e~~Covered ~~p~~Person ~~shall~~ may influence or attempt to influence any person who is engaged in conducting a quasi-judicial hearing outside of the hearing process, with respect to the merits of any issue.

~~L~~K. ~~Not-For-Profit Corporate Affiliations. Anyone covered under Section 30.02 B. of the Code of General Ordinances, especially members of the City Common Council, shall disclose any and all affiliation(s) they may have with any not-for-profit organization seeking financial support from the City of Kenosha. Disclosure shall occur at the earliest time practicable and shall be included in the disclosure required pursuant to Section 30.07. Common Council members shall refrain from voting on funding applications of organizations with which they, or an immediate family member, serve as a Director, officer or in any paid position. "Immediate Family" shall mean a spouse, cohabitant or domestic partner.~~For Profit and Not-For-Profit Organization Affiliations. A Covered Person shall disclose any and all affiliation they may have with any for profit and not-for-profit organization seeking financial support from the City of Kenosha. Disclosure shall occur at the earliest time practicable and a Covered Person who is subject to Chapter 29 of the Code of General Ordinances shall make such disclosure on the Statement of Economic Interest required thereunder.

~~30.07 STATEMENT OF ECONOMIC INTEREST~~

~~Any person covered under Section 30.02 B. of the Code of General Ordinances and who is subject to Chapter XXIX of the Code of General Ordinances shall file a true, correct and complete Statement of Economic Interest required thereunder. The failure to file a true, correct and complete Statement of Economic Interest shall be unlawful and constitute a violation of this Code of Ethics subject to enforcement and penalty as provided in this Code.~~

~~30.08 ADMINISTRATION AND ENFORCEMENT~~

~~Except as otherwise provided in this Chapter, the Code of Ethics shall be administered and enforced by the Ethics Board.~~

~~30.09 ADVISORY OPINIONS~~

~~Any covered person or the Office of the City Attorney may make a written request of the Ethics Board for an advisory opinion regarding the propriety of any matter or matters to which the covered person is or may become a party. Any appointing officer, with the consent of the prospective appointee, may make a written request of the Ethics Board for an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The Ethics Board shall review a written request for an advisory opinion and advise the person making the request. Advisory opinions of the Ethics Board shall be in writing. It shall be prima facie evidence of intent to comply with the Code of Ethics when a person making a written request for an advisory opinion abides by the advisory opinion of the Ethics Board provided the material facts are as stated in the advisory opinion request.~~

~~The identity of the person requesting the written advisory opinion, the request for an advisory opinion, any documents or records obtained or filed in connection with the request for an advisory opinion and any written advisory opinion of the Ethics Board shall not be made public and shall be closed in whole to public inspection unless the individual requesting the advisory opinion consents in writing to make public the individual's identity, the request, documents, records and/or advisory opinion. Meetings of the Ethics Board at which deliberations and actions are taken in connection with a written request for an advisory opinion shall not be open to the public. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion, documents or records obtained or prepared by the Ethics Board, including the Ethics Board advisory opinion, in connection with the request for an advisory opinion. Notwithstanding the foregoing, the Ethics Board may, but is not obligated to, make public a summary of an advisory opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion.~~

~~30.10 COMPLAINTS~~

~~A. Filing of Complaints. Any person may file a complaint against any covered person alleging a violation of the Code of Ethics with the Ethics Board. The complaint shall be filed with the City Department of Human Resources. The complaint shall be in writing and shall be verified. A separate written verified complaint shall be required for each named covered person. The complaint shall state with specificity the date of the alleged offense, the provision of the Code of Ethics alleged to have been violated, and the facts and circumstances upon which the allegations are based. Allegations shall be deemed to be made upon personal knowledge unless stated as being made upon information and belief. Within fifteen working days of the filing of the complaint, the director of the Department of Human Resources or his/her designee shall forward by quickest reasonable means a copy of the complaint to the chair of the Ethics Board. For purposes of this section, "working day" means a day that City administration is open to the public for the conduct of regular business.~~

~~B. Sufficiency of Complaints. Within forty-five (45) working days of the filing of the verified complaint with the Department of Human Resources, the Ethics Board shall forward by regular mail to the accused covered person a copy of the verified complaint and a general statement of the applicable provisions of the Code of Ethics. Within twenty (20) working days after mailing, the Ethics Board shall meet to determine whether based upon the face of the verified complaint sufficient facts are alleged to constitute a violation of the Code of Ethics. If the Ethics Board determines that the verified complaint does not allege facts sufficient to constitute a violation of the Code of Ethics, the Ethics Board shall dismiss the complaint and notify the complainant and the accused covered person. If the Ethics Board determines that the verified complaint was brought for harassment purposes, the Ethics Board shall so state.~~

~~If the Ethics Board determines that the verified complaint alleges facts sufficient to constitute a violation of the Code of Ethics, the Ethics Board shall conduct an investigation. The Ethics Board shall authorize any investigation by a motion which shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the Ethics Board shall notify each accused covered person who is the subject of the investigation. Within ten (10) working days of the adoption of the motion, the Ethics Board shall~~

~~forward by regular mail a copy of the motion to each accused covered person identified in the motion together with a notice informing the accused covered person that he or she is the subject of the investigation together with a general statement of the applicable provisions of the Code of Ethics involved in the investigation. Service of the notice is complete upon mailing.~~

~~If during the course of an investigation, the Ethics Board finds probable cause to believe that a violation of the Code of Ethics other than one contained in the verified complaint has occurred, the Ethics Board may amend the complaint upon its own motion to include such violations and to conduct an investigation. Within ten (10) working days of the adoption of the motion amending the complaint, the Ethics Board shall forward by regular mail to the accused covered person a copy of the motion, the amended complaint and a general statement of the applicable provisions of the Code of Ethics involved in the amended complaint and investigation. Service is complete upon mailing.~~

~~C. Limitations. No action may be taken by the Ethics Board on any complaint which is filed with the Ethics Board later than two (2) years after a violation of the Code of Ethics is alleged to have occurred. Any complaint, investigation or prosecution regarding violations of the Code of Ethics initiated prior to the effective date of this ordinance and any proceedings arising therefrom shall proceed pursuant to the provisions of Chapter XXX in effect prior to the effective date of this Ordinance and shall be unaffected by the adoption of this Ordinance.~~

~~30.11 POWERS~~

~~Pursuant to any investigation or hearing conducted under this Chapter, the Ethics Board has the power to:~~

~~A. Require any person to submit in writing such reports, documents, information and answers to questions in connection with the proceedings conducted under this Chapter as the Ethics Board may prescribe, such submission to be made within such period and under oath or otherwise as the Ethics Board may determine.~~

~~B. Require all persons who are the subject of the investigation or hearing to execute releases, authorizations and/or waivers to permit the Ethics Board to obtain information and documents in connection with the proceedings conducted under this Chapter as the Ethics Board may prescribe.~~

~~C. Administer oaths and issue subpoenas signed by the chairperson, or vice-chairperson in the absence of the chairperson, compelling the attendance and testimony of individuals and the production of any documentary evidence relating to the investigation or hearing being conducted.~~

~~D. Request and obtain from the Wisconsin Department of Revenue copies of state income tax returns and access to other appropriate information under Section 71.78 Wis. Stats. regarding all persons who are the subject of the investigation or hearing.~~

~~E. Retain the services of a court reporter, investigator, outside legal counsel, or other experts and staff as may be necessary from time to time in the administration of this Chapter.~~

~~30.12 PROBABLE CAUSE OF VIOLATION~~

~~Upon conclusion of the investigation, the Ethics Board shall make a determination of whether or not probable cause exists to believe that a violation of the Code of Ethics has occurred. If the Ethics Board determines that no probable cause exists, the Ethics Board shall send written notice of such determination to the accused covered person and the complainant as soon as practicable. If the Ethics Board determines that there is probable cause to believe that a violation of the Code of Ethics has occurred, the Ethics Board shall issue written findings of fact and conclusions setting forth the basis for the probable cause finding which may also contain a referral to the district attorney recommending further investigation and possible prosecution and /or an order setting a date for a hearing to determine whether a violation of the Code of Ethics has occurred. The notice of hearing, probable cause findings and conclusions and a copy of the complaint shall be served upon the accused covered person. The hearing shall be held within forty-five (45) days after the date it is ordered unless the accused covered person petitions for and the Ethics Board consents to a later date. The Board of Ethics shall provide the accused covered person or his or her counsel exculpatory evidence in the possession of the Ethics Board.~~

~~30.13 INVESTIGATION AND HEARING PROCEDURE~~

~~The Ethics Board shall have the power to adopt by-laws and rules of procedure, including those related to the manner of conducting investigations and hearings. Any hearing before the Ethics Board shall be presided over by the chairperson or vice-chairperson in the absence of the chairperson. The Ethics Board may retain counsel and other experts and staff as needed in accordance with its by-laws to assist and advise the Ethics Board. The accused covered person may be represented by counsel. The accused covered person may present evidence, call and examine witnesses and cross-examine any witnesses called. All witnesses shall be sworn and all testimony shall be recorded by a court reporter. Upon request the Ethics Board shall issue subpoenas to compel the attendance of witnesses. The formal rules of evidence will not apply although basic principles of relevance, materiality, hearsay and probative value will be observed. The Ethics Board shall not find a violation of the Code of Ethics except upon a preponderance of the evidence admitted at the hearing. The hearing shall be conducted in closed session unless the accused covered person requests in writing that the hearing be open to the public.~~

~~30.135 ALTERNATE HEARING PROCEDURE~~

~~The City may enter into an intergovernmental cooperation agreement with any other municipality to provide reciprocal hearing services. Unless there is an objection from the covered person responding to the Complaint, if the City has entered into such an intergovernmental cooperation agreement, notwithstanding the provisions of Section 30.13, the hearing on the Complaint shall be heard by the ethics board of the other municipality pursuant to the intergovernmental cooperation agreement. In the event of an objection by the accused covered person responding to the Complaint, the hearing will be conducted pursuant to the procedures in Section 30.13, the intergovernmental cooperation agreement notwithstanding. An objection by the accused covered person to the application of the hearing process articulated in the intergovernmental cooperation agreement must be made by filing such objection in writing~~

~~with the City Clerk within seven days of the service of the finding of probable cause upon the accused covered person, or it is deemed waived.~~

~~30.14 DETERMINATIONS~~

~~Deliberations of the Ethics Board during or following a hearing shall be in closed session. Unless otherwise extended, within forty-five (45) days following the conclusion of the hearing, the Ethics Board shall issue written findings, determinations and recommendations. If the Ethics Board determines that no violation of the Code of Ethics occurred, the Ethics Board shall as soon as practicable send written notice of such determination to the accused covered person and the complainant. If the Ethics Board determines that a violation of the Code of Ethics has occurred, the findings and determinations may contain one or more of the following recommendations:~~

~~A. In the case of a covered person who is a City elected official a recommendation to the Common Council that:~~

~~1. the elected official be required to conform his or her conduct to the Code of Ethics,~~
~~2. the City Attorney commence a civil forfeiture action in Municipal Court against the elected official for a violation of the Code of Ethics,~~
~~3. the District Attorney investigate and/or prosecute the elected official for a violation of the Code of Ethics, or~~
~~4. the elected official be sanctioned, reprimanded, censured, suspended or removed from office.~~

~~B. In the case of a covered person whose appointment to a City board, commission, authority, or committee specified in Chapter 1 of the Code of General Ordinances has been confirmed by the Common Council a recommendation to the Common Council that:~~

~~1. the appointed person be required to conform his or her conduct to the Code of Ethics,~~
~~2. the City Attorney commence a civil forfeiture action in Municipal Court against the appointed person for a violation of the Code of Ethics,~~
~~3. the District Attorney investigate and/or prosecute the appointed person for a violation of the Code of Ethics, or~~
~~4. the appointed person be sanctioned, reprimanded, censured, suspended or removed from the City board, commission, authority or committee.~~

~~C. In the case of a covered person who is a City employee a recommendation to the Civil Service Commission or the Board of Police and Fire Commissioners, as appropriate, that:~~

~~1. the employee be required to conform his or her conduct to the Code of Ethics,~~
~~2. the City Attorney commence a civil forfeiture action in Municipal Court against the employee for a violation of the Code of Ethics,~~
~~3. the District Attorney investigate and/or prosecute the employee for a violation of the Code of Ethics, or~~
~~4. the employee be disciplined or discharged from employment. Notwithstanding the foregoing, no employee subject to the jurisdiction of the Civil Service Commission or the Board~~

~~of Police and Fire Commissioners shall be suspended or removed other than in accordance with the rules and regulations thereof.~~

~~30.15 REIMBURSEMENT OF LEGAL EXPENSES~~

~~In the event a complaint against an accused covered person is dismissed in its entirety the Ethics Board, the accused covered person shall be paid by the City for the reasonable cost of the defense upon assigning to the City any cause of action to recover the legal expenses incurred by the accused covered person from the complainant. The City in its discretion may pursue such assigned cause of action to recover the legal expenses from the complainant where the complaint has been dismissed in its entirety by the Ethics Board.~~

~~30.16 PUBLIC INSPECTION OF RECORDS~~

~~Except as provided in this Section, all records in the possession of the Ethics Board shall be open to public inspection at all reasonable times. The following records in the possession of the Ethics Board are not open to public inspection:~~

~~A. Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions. The Ethics Board may however, make such records public with the consent of the person requesting the advisory opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any record obtained or prepared by the Ethics Board, including the advisory opinion, in connection with the request for an advisory opinion.~~

~~B. Records obtained or prepared by the Ethics Board in connection with an investigation, except that the Ethics Board shall permit inspection of records that are made public in the course of a hearing by the Ethics Board to determine if a violation of the Code of Ethics has occurred. Whenever the Ethics Board refers investigation and hearing records to the appropriate disciplinary authority under Section 30.14 the records may be made public in the course of prosecution initiated under this Ordinance.~~

~~30.17 FAILURE TO COOPERATE~~

~~The failure of any accused covered person to cooperate with the Ethics Board in the investigation, hearing and disposition of complaints filed under this Ordinance shall be deemed a violation of the Code of Ethics subject to enforcement as provided in this Ordinance.~~

~~30.18 SEVERABILITY~~

~~If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, as finally determined by a court of record, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.~~

~~30.19 PENALTY~~

~~In addition to any other action, any covered person who violates the Code of Ethics shall be subject upon conviction to a forfeiture of not more than One Thousand ($1,000.00) Dollars plus the cost of prosecution for each violation, including actual reasonable attorney fees and expenses, and in the event of failure to make timely payment thereof shall be committed to the County Jail for a period not to exceed thirty (30) days.~~

30.07 ENFORCEMENT

This Code shall be enforced by outside legal counsel, hereinafter known as the "Enforcing Officer". The Enforcing Officer shall be appointed on an as-needed basis by the City Attorney.

30.08 INVESTIGATION OF COMPLAINTS

A. Filing of Complaints. Any officer, employee, citizen of the City of Kenosha or person involved in any City transaction, may file a complaint against any named Covered Person with the Enforcing Officer through the City Human Resources Department alleging a violation of this Code. A separate complaint shall be required for each named Covered Person. Complaints must specify the date of the alleged offense and the provision of this Code alleged to have been violated. Allegations shall be deemed to be made upon personal knowledge unless stated as being made upon information and belief.

B. Investigation. The Enforcing Officer shall accept and investigate any verified complaint, submitted in writing, and signed and sworn to under oath from any authorized complainant, which states the name of any Covered Person alleged to have committed a violation of this Code and which sets forth the alleged violations. The Enforcing Officer, within ten (10) working days of the receipt thereof, shall forward to the accused Covered Person a copy of the complaint and a general statement of the applicable Code provisions. If the Enforcing Officer determines that the verified complaint, on its face, even if true, does not allege facts sufficient to constitute a violation of this Code, the Enforcing Officer shall dismiss the complaint and notify the complainant and the accused Covered Person. If the Enforcing Officer determines that the verified complaint, on its face, alleges facts, which, if true, may be sufficient to constitute a violation of this Code, the Enforcing Officer shall make an investigation with respect thereto. If the Enforcing Officer determines that the verified complaint was frivolous, the Enforcing Officer shall so state. The complaint shall be a public record upon filing. However, the investigation, while pending, shall be confidential in nature. The final disposition of the complaint shall be a public record.

Pursuant to any investigation conducted under this Chapter, the Enforcing Officer has the power to require any Covered Person to submit, in writing, such reports and answers to questions relevant to the investigation as the Enforcing Officer may prescribe, such submission to be made within such period and under oath, or otherwise, as the Enforcing Officer may determine.

No investigation of any Covered Person may be commenced until the Covered Person, who is the subject of the investigation, has been furnished with a copy of the complaint as herein provided. Should the Enforcing Officer during the course of the investigation find probable cause to believe that violations other than those alleged in the verified complaint occurred, the Enforcing Officer may, on the Enforcing Officer's own motion, cause the complaint to be amended to include

said violations and, in such event, the Enforcing Officer shall furnish the complainant and the Covered Person with a copy thereof, in the same manner as provided herein for new complaints.

C. Limitations. No complaint shall be made or processed before the Enforcing Officer where the alleged violation of this Code occurred after the effective date of this Code, but where the alleged violation of this Code occurred more than one (1) year prior to the date of the filing of a verified complaint with the City Human Resources Department.

D. Probable Cause of Violation. At the conclusion of the investigation, the Enforcing Officer shall make a determination of whether or not probable cause exists to believe that a violation of this Code has occurred. If the Enforcing Officer determines that no probable cause exists, the Enforcing Officer shall send written notice of such determination to the accused Covered Person and to the complainant as soon as practicable. If the Enforcing Officer determines that probable cause exists to believe that a violation of this Code has been committed, the Enforcing Officer may commence a civil forfeiture action in the City Municipal Court and/or recommend disciplinary action.

30.09 DISCIPLINE

Upon receipt of a Municipal Court Judgment that this Code had been violated, and/or recommendations by the Enforcing Officer for disciplinary action, a Covered Person may be disciplined by the appropriate disciplinary authority in accordance with Chapter 17 of the Wisconsin Statutes, where applicable or in accordance with other applicable law; but no Covered Person subject to the jurisdiction of the Civil Service Commission or to the Board of Police and Fire Commissioners shall be suspended or removed otherwise than as in accordance with said applicable laws, rules and regulations.

30.10 UNFOUNDED COMPLAINTS

In the event a Covered Person should be charged under this Code and the charges are dropped or dismissed, the Covered Person shall be paid by the City for the reasonable cost of their defense, upon assigning to the City any cause or action they may have for malicious prosecution. The City may pursue such assigned cause of action to recover the costs of defense against the person bringing the unfounded charges.

30.11 SEVERABILITY

If any provision of this Code is invalid or unconstitutional, or if the application of this Code to any person or circumstances is invalid or unconstitutional, as determined by a court of record, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Code which can be given effect without the invalid or unconstitutional provision or application.

30.12 PENALTY

Any Covered Person who violates this Code shall be subject, upon conviction, to a forfeiture of not more than One Thousand ($1,000) Dollars, plus the cost of prosecution for each violation, and in the event of failure to make timely payment thereof shall be committed to the

County Jail for a period not to exceed thirty (30) days.

Section Five: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk/Treasurer
DEBRA L. SALAS

APPROVED: _____Mayor Date: _____
JOHN M. ANTARAMIAN

Passed:

Published:

Drafted By:
JONATHAN A. MULLIGAN
Assistant City Attorney

ORDINANCE NO. _____

SPONSOR: THE MAYOR

TO REPEAL AND RECREATE SUBPARAGRAPH 13.015 E.
OF THE CODE OF GENERAL ORDINANCES REGARDING
TEMPORARY CEMENT BATCH PLANTS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Subparagraph 13.015 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

E. Issuance. Licenses hereunder shall be issued by the Common Council following an investigation and report by the Health Department and Department of Community Development and Inspections to the Committee on Licenses/Permits~~Committee~~, ~~on Finance~~ and following a report and recommendation of the Committee on Licenses/Permits ~~Committee on Finance~~ to the Common Council, to all applicants complying with the following criteria.

Section Two: This Ordinance shall become effective after passage and publication.

ATTEST:_____City Clerk
Debra L. Salas

APPROVED:_____Mayor Date:_____
John M. Antaramian

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ORDINANCE NO. _____

SPONSOR: THE MAYOR

TO REPEAL AND RECREATE SUBSECTION 12.001 B. 1. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA REGARDING AMUSEMENT DEVICE LICENSE REQUIRED

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Subsection 12.001 B.1. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

1. Amusement Device License. No person, corporation or other legal entity which has possessory control of any commercial premises, shall permit, keep, or maintain an amusement device(s) as herein defined without first obtaining an "amusement device" license to be issued by the City Clerk. The annual fee for such license shall be ~~Thirty~~ Sixty ($~~3~~60.00) Dollars for the first device and ~~Thirty~~ Sixty ($~~3~~60.00) Dollars for each additional device located on the premises. Any location where there are ten (10) or more amusement devices on the premises shall also be subject to the licensing requirements of §12.01 of the Code of General Ordinances. In the event that the Licensee shall add additional devices during the licensing period it shall be the licensee's responsibility to advise the City Clerk of any increase in the number of such devices and pay the appropriate fee prior to installing the additional device. The Clerk shall issue an updated license in the event additional devices are added during the license term. All licenses shall expire on the Thirtieth (30th) day of June each year and there shall be no pro-ration or adjustment of a license fee for less than one (1) year. The license shall not be transferable. Upon written notice to the City Clerk by the Licensee, devices added for the purpose of conducting a state or city tournament shall be exempt from this provision. Notice shall be filed with the City Clerk seven (7) days prior to the start of the tournament. Upon completion of the tournament, the devices shall be removed from the premises or be subject to licensing.

Section Two: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk/Treasurer
DEBRA L. SALAS

APPROVED: _____Mayor
JOHN M. ANTARAMIAN

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney