



OFFICIAL NOTICE & AGENDA
REGULAR MEETING

| | | | |
|-------------------|---|-------------------|--------------------|
| MEETING: | Ethics Board | MEMBERS: | |
| DATE/TIME: | Tuesday, December 16, 2025 at 4:30 PM | Calvin Dexter (C) | Thomas Garver |
| LOCATION: | Wausau City Hall – Maple Room 407 Grant Street, Wausau WI, 54403 | Robyn Devos | Christopher Filz |
| | | Kay Palmer | Jesse Kearns (Alt) |

1 Discussion.

- a. Welcome to any new Ethics Board Members.
- b. Review status of the Board’s efforts to develop recommendations to the Common Council for revisions to Chapter 2.03 Code of Wausau Municipal Code – Code of Ethics for Public Officials and Employees.

2 Election of a Vice Chair.

3 Discussion and possible action.

- a. Proposals for recommendations to the Common Council for revisions to Chapter 2.03 Code of Wausau Municipal Code – Code of Ethics for Public Officials and Employees.
- b. Schedule time and place for the Annual Meeting on January 21, 2026.

4 Adjournment.

Calvin Dexter, Chair

**NOTICE POSTED AT CITY HALL (407 GRANT STREET) AND
TRANSMITTED TO THE OFFICIALLY DESIGNATED NEWSPAPER**

DATE: 12/08/2025
TIME: 4:00 PM
POSTED BY: Kody Hart

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6622 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.



City of Wausau
(715) 261-6500 | clerk@wausauwi.gov
wausauwi.gov



Proposed Changes to 2024 Recommendations.

These proposals relate to recommendations discussed by the Ethics Board in 2024 but which have not yet been submitted to the Common Council.

PROPOSAL #1 – Revise 2.03.030 Standards of Conduct, paragraph (j)

2024 DRAFT SHOWING CHANGES:

No official/employee shall, while using his or her official title or while otherwise purporting to act in his or her official capacity, ~~do any~~ commit any unlawful act ~~or use his or her official title in performing any act,~~ which ~~he or she knows is in excess of his or her lawful authority or which he or she knows is forbidden by law to do in his or her official capacity.~~

2024 DRAFT FINAL LANGUAGE:

(j) No official/employee shall, while using his or her official title or while otherwise purporting to act in his or her official capacity, commit any unlawful act.

PROPOSED ALTERNATIVE SHOWING CHANGES:

(j) No official/employee shall, while using his or her official title or while otherwise purporting to act in his or her official capacity, ~~do any~~ commit any unlawful act or use his or her official title in performing any act, which he or she knows could reasonably be expected to know is in excess of his or her lawful authority ~~or which he or she knows is forbidden by law to do in his or her official capacity.~~

PROPOSED ALTERNATIVE FINAL LANGUAGE:

(j) No official/employee shall, while using his or her official title or while otherwise purporting to act in his or her official capacity, commit any unlawful act or any act which he or she could reasonably be expected to know is in excess of his or her lawful authority.

[COMMENT: Addresses concern that acts in excess of lawful authority could be interpreted as distinct from “unlawful” (forbidden by law). Adds a requirement of reasonable expectation of knowledge of exceeding lawful authority.]

2025 PROPOSALS for
Recommendations for code amendments

These proposals are in addition to 2024 recommendations developed by the Ethics Board in 2024 but not yet submitted to the Common Council.

PROPOSED RECOMMENDATION #1 - Change Annual Meeting date from 3rd Wednesday in January to any date in January that the Board decides upon. E.g., “in January of each year”.

PROPOSED RECOMMENDED AMENDMENT SHOWING CHANGES

2.03.040 - Organization, composition and authority of the board.

Paragraph (c) Meetings of the board shall be held as needed, except that an annual meeting shall be held ~~on the third Wednesday of~~ **in** January of each year. At such annual meeting, the members of the board shall select their own chairperson and vice-chairperson and may adopt such rules as may be necessary to carry out the duties and responsibilities of the board. Any rules shall be subject to the approval of the Common Council.

PROPOSED RECOMMENDED AMENDMENT - FINAL LANGUAGE

Paragraph (c) Meetings of the board shall be held as needed, except that an annual meeting shall be held in January of each year. At such annual meeting, the members of the board shall select their own chairperson and vice-chairperson and may adopt such rules as may be necessary to carry out the duties and responsibilities of the board. Any rules shall be subject to the approval of the Common Council.

[COMMENT: *The change would provide flexibility for scheduling the board’s annual meeting. It could reduce chances that a quorum might not be available on the third Wednesday of January.*]

PROPOSED RECOMMENDATION #2 – Provide a respondent with a right to file an answer to a complaint if the Board finds the complaint alleges facts sufficient to constitute a violation of the ethics code.

PROPOSED RECOMMENDED AMENDMENT SHOWING CHANGES

Section 2.03.060 Violations and Complaints

Paragraph (c) Initial determination by board. The board shall review a third party complaint at a duly called meeting and determine whether it alleges facts sufficient to constitute a violation of this chapter. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint, and notify the complainant and the respondent in writing. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this chapter, **it shall notify the respondent that the respondent has fourteen (14) days in which to file any response the respondent may wish to make with the board.** **it** **The board** may make an investigation with respect to any alleged violation, may proceed directly to order a hearing before the board, or may make a referral to the district attorney's office recommending further investigation and possible prosecution. In the event the board determines to proceed directly to hearing, it shall provide the respondent and the complainant a notice of the date and time of the hearing which shall be commenced within 30 days, unless the respondent petitions for, and the board consents to a later date.

PROPOSED RECOMMENDED AMENDMENT – FINAL LANGUAGE

Section 2.03.060 Violations and Complaints

Paragraph (c) Initial determination by board. The board shall review a third party complaint at a duly called meeting and determine whether it alleges facts sufficient to constitute a violation of this chapter. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint, and notify the complainant and the respondent in writing. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this chapter, it shall notify the respondent that the respondent has fourteen (14) days in which to file any response the respondent may wish to make with the board. The board may make an investigation with respect to any alleged violation, may proceed directly to order a hearing before the board, or may make a referral to the district attorney's office recommending further investigation and possible prosecution. In the event the board determines to proceed directly to hearing, it shall provide the respondent and the complainant a notice of the date and time of the hearing which shall be commenced within 30 days, unless the respondent petitions for, and the board consents to a later date.

[COMMENT: *The change would expressly provide that if the board determines a complaint alleges facts sufficient to state a violation of the ethics code a respondent has the right to file an answer to the complaint.*]

PROPOSED RECOMMENDATION #3 – Sets requirements for provision of copies of documents in proceedings on any complaint.

PROPOSED RECOMMENDED AMENDMENT SHOWING CHANGES

Section 2.03.060 Violations and Complaints

Paragraph (d) Investigations, service, copies. The board shall authorize any investigation by resolution which shall state the nature and purpose of the investigation and the actions or activities to be investigated. A copy of the resolution shall be mailed to each respondent identified in the resolution as a subject of the investigation and a general statement of the statutes and ordinances applicable to the investigation. Service of the resolution is complete upon mailing. If the board determines that a verified complaint was brought for harassment purposes or is frivolous, the board will so state. **In proceedings on any complaint, the board shall provide copies of any orders or other documents issued by the board to both the respondent and the complainant. In proceedings on any complaint, the complainant and respondent shall provide to each other copies of any documents or material that they file with the board.**

PROPOSED RECOMMENDED AMENDMENT – FINAL LANGUAGE

Section 2.03.060 Violations and Complaints

Paragraph (d) Investigations, service, copies. The board shall authorize any investigation by resolution which shall state the nature and purpose of the investigation and the actions or activities to be investigated. A copy of the resolution shall be mailed to each respondent identified in the resolution as a subject of the investigation and a general statement of the statutes and ordinances applicable to the investigation. Service of the resolution is complete upon mailing. If the board determines that a verified complaint was brought for harassment purposes or is frivolous, the board will so state. In proceedings on any complaint, the board shall provide copies of any orders or other documents issued by the board to both the respondent and the complainant. In proceedings on any complaint, the complainant and respondent shall provide to each other copies of any documents or material that they file with the board.

[COMMENT: *Facilitates decision making by respondent and complainant.*]

PROPOSED RECOMMENDATION #4 – Clean up language of 2.03.040(a) re: terms.

PROPOSED RECOMMENDED AMENDMENT SHOWING CHANGES

2.03.040 - Organization, composition and authority of the board.

Paragraph (a). There is created an ethics board with five members appointed by the Mayor and subject to confirmation by the Common Council. Members should be from diverse segments of the community. Each board member shall be a resident of the City and shall serve without compensation. **Following expiration of each initial term for the first appointment of board members and for the first appointment of alternate**

board members as described below, If the term of office shall be five years, except as necessary to maintain staggered terms as described below. Two similarly qualified alternate members may also be appointed by the Mayor and subject to confirmation by the Common Council. The Mayor shall designate such alternate members as first and second alternates. Alternate members shall act with full authority when a member of the board or other alternate member is absent, or recuses himself or herself from acting on a complaint before the board, ~~or abstains from voting or acting under this chapter.~~ On the first appointment of the board, board members shall be appointed for terms of one, two, three, four, and five years respectively. On the first appointment of the board alternates, the first alternate shall be appointed for a term of five years, and the second alternate shall be appointed for a term of two years. ~~The term of office shall be five years.~~ The terms shall remain staggered as described above. Terms expire on April 30th of the year of expiration. Any vacancy shall be filled with appointment and confirmation of a member or alternate member for the remainder of the term of the member or alternate vacating office.

PROPOSED RECOMMENDED AMENDMENT – FINAL LANGUAGE

2.03.040 - Organization, composition and authority of the board.

Paragraph (a). There is created an ethics board with five members appointed by the Mayor and subject to confirmation by the Common Council. Members should be from diverse segments of the community. Each board member shall be a resident of the City and shall serve without compensation. Following expiration of each initial term for the first appointment of board members and for the first appointment of alternate board members as described below, the term of office shall be five years, except as necessary to maintain staggered terms as described below. Two similarly qualified alternate members may also be appointed by the Mayor and subject to confirmation by the Common Council. The Mayor shall designate such alternate members as first and second alternates. Alternate members shall act with full authority when a member of the board or other alternate member is absent or recuses himself or herself from acting on a complaint before the board. On the first appointment of the board, board members shall be appointed for terms of one, two, three, four, and five years respectively. On the first appointment of the board alternates, the first alternate shall be appointed for a term of five years, and the second alternate shall be appointed for a

term of two years. The terms shall remain staggered as described above. Terms expire on April 30th of the year of expiration. Any vacancy shall be filled with appointment and confirmation of a member or alternate member for the remainder of the term of the member or alternate vacating office.

[COMMENT: *to provide clarity and eliminate ambiguity. Note that a proposal also has been made to remove the reference to authority of alternate members to act when a member “abstains from voting or acting under this chapter.”*]

PROPOSED RECOMMENDATION #5 – Amend sections 2.03.040 and section 2.03.060 to provide express recognition of board’s authority to investigate possible code violations “on its own motion”.

PROPOSED RECOMMENDED AMENDMENT SHOWING CHANGES

2.03.040 – Organization, composition and authority of the board

Paragraph (b) The board is empowered to investigate any alleged violation of this chapter **upon its own motion or upon** the properly filed written complaint of a third party. To fulfill such purposes, the board shall have the powers set forth in section 2.03.075 and may prescribe and make available forms for use under this chapter.

PROPOSED RECOMMENDED AMENDMENT SHOWING CHANGES

Sec. 2.03.060 -Violations and complaints

Paragraph (c) Initial determination by board . The board shall review a third party complaint at a duly called meeting and determine whether it alleges facts sufficient to constitute a violation of this chapter. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint, and notify the complainant and the respondent in writing. If the board determines that the verified complaint ~~alleges facts sufficient to constitute a violation of this chapter~~ **or other information received, whether or not under oath, provides a reasonable basis for the belief that a violation of this chapter has been committed, or that investigation of a possible violation is warranted**, it may make an investigation with respect to any alleged violation, may proceed directly to order a hearing before the board, or may make a referral to the district attorney's office recommending further investigation and possible prosecution. In the event the board determines to proceed directly to hearing, it shall provide the respondent and the complainant a notice of the date and time of the hearing which shall be commenced within 30 days, unless the respondent petitions for, and the board consents to a later date.

PROPOSED RECOMMENDED AMENDMENT – FINAL LANGUAGE

2.03.040 – Organization, composition and authority of the board

Paragraph (b) The board is empowered to investigate any alleged violation of this chapter upon its own motion or upon the properly filed written complaint of a third party. To fulfill such purposes, the board shall have the powers set forth in section 2.03.075 and may prescribe and make available forms for use under this chapter.

Sec. 2.03.060 -Violations and complaints

Paragraph (c) *Initial determination by board.* The board shall review a third party complaint at a duly called meeting and determine whether it alleges facts sufficient to constitute a violation of this chapter. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint, and notify the complainant and the respondent in writing. If the board determines that the verified complaint or other information received, whether or not under oath, provides a reasonable basis for the belief that a violation of this chapter has been committed, or that investigation of a possible violation is warranted, it may make an investigation with respect to any alleged violation, may proceed directly to order a hearing before the board, or may make a referral to the district attorney's office recommending further investigation and possible prosecution. In the event the board determines to proceed directly to hearing, it shall provide the respondent and the complainant a notice of the date and time of the hearing which shall be commenced within 30 days, unless the respondent petitions for, and the board consents to a later date.

[COMMENT: See state law, sec. 19.59(3)(d) providing this authority. The authority promotes the interests identified in the code's Declaration of Policy and had been included in the ordinance until the code was revised in 2024. It also would help clarify that proceedings of the Ethics Board do not require that complainants "prove" a violation of the code, since the code could be enforced by the board on its own motion and without any complainants at all.]

| ORDINANCE OF COMMON COUNCIL | |
|---|--------------------------|
| Amending Sections 2.03.020 Definitions, 2.03.030 Standards of conduct, 2.03.040 Organization, composition and authority of the board and 2.03.060 Violations and complaints | |
| Committee Action: | Ordinance Number: |
| Fiscal Impact: None | |
| File Number: | Date Introduced: |

The Common Council of the City of Wausau do ordain as follows:

Add ()
Delete ()

Section 1. That Section 2.03.020 Definitions, is hereby amended to read as follows:

2.03.020 - Definitions.

For the purpose of this chapter, the words set out in this section shall have the following meanings:

....

Unlawful means any act or omission prohibited by statute, ordinance or regulation of the United States, the State of Wisconsin or the City of Wausau.

Section 2. That Section 2.03.030 Standards of conduct, is hereby amended to read as follows:

2.03.030 Standards of conduct.

(a) No official/employee shall use his or her public position, office, or title to obtain financial gain or anything of value for the private benefit of himself or herself or his or her immediate family, or for an organization with which the official/employee is associated or to unlawfully cause or attempt to cause physical harm or economic or reputational damage to another person.

....

(c) No official/employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City. This includes information protected by attorney-client privilege or discussed in closed session. No official/employee may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in unlawful physical harm or economic or reputational damage to another person or in the receipt of anything

of value for himself or herself, for his or her immediate family or for any other person, if the information has not been communicated to the public or is not public information.

- (d) No official/employee shall use or attempt to use his or her public position, office or title to influence or gain unlawful benefits, advantages or privileges for himself, herself or other person **or to unlawfully cause or attempt to cause physical harm or economic or reputational damage to another person.**

....

- (j) No official/employee shall, **while using his or her official title or while otherwise purporting to act** in his or her official capacity, ~~do any~~ **commit any unlawful** act or use his or her official title in performing any act, which he or she knows is in excess of his or her lawful authority or which he or she knows he or she is forbidden by law to do in his or her official capacity.

OR PROPOSED ALTERNATIVE

- (j) No official/employee shall, **while using his or her official title or while otherwise purporting to act** in his or her official capacity, ~~do any~~ **commit any unlawful** act or use his or her official title in performing any act, which he or she ~~knows~~ **could reasonably be expected to know** is in excess of his or her lawful authority or which he or she ~~knows he or she is forbidden by law to do~~ **in his or her official capacity.**

Section 3. That Section 2.03.040 Organization, composition and authority of the board, is hereby amended to read as follows:

2.03.040 Organization, composition and authority of the board.

- (a) There is created an ethics board with five members appointed by the Mayor and subject to confirmation by the Common Council. Members should be from diverse segments of the community. Each board member shall be a resident of the City and shall serve without compensation. **Following expiration of each initial term for the first appointment of board members and for the first appointment of alternate board members as described below, the term of office shall be five years, except as necessary to maintain staggered terms as described below.** Two similarly qualified alternate members may also be appointed by the Mayor and subject to confirmation by the Common Council. The Mayor shall designate such alternate members as first and second alternates. Alternate members shall act with full authority when a member of the board or other alternate member is absent, **or** recuses himself or herself from acting on a complaint before the board, ~~or abstains from voting or acting under this chapter.~~ On the first appointment of the board, board members shall be appointed for terms of one, two, three, four, and five years respectively. On the first appointment of the board alternates, the first alternate shall be appointed for a term of five years, and the second alternate shall be appointed for a term of two years. **The terms shall remain staggered as described above. Terms expire on April 30th of the year of expiration. Any vacancy shall be filled with appointment and confirmation of a member or alternate member for the remainder of the term of the member or alternate vacating office.**

- (b) The board is empowered to investigate any alleged violation of this chapter **upon its own motion or** upon the properly filed written complaint of a third party. To fulfill such purposes, the board shall have the powers set forth in section [2.03.075](#) and may prescribe and make available forms for use under this chapter.
- (c) Meetings of the board shall be held as needed, except that an annual meeting shall be held ~~on the third Wednesday of~~ **in** January of each year. At such annual meeting, the members of the board shall select their own chairperson and vice-chairperson and may adopt such rules as may be necessary to carry out the duties and responsibilities of the board. Any rules shall be subject to the approval of the Common Council.

Section 4. That Section 2.03.060 Violations and complaints, is hereby amended to read as follows:

2.03.060 Violations and complaints.

- (c) *Initial determination by board.* The board shall review a third party complaint at a duly called meeting and determine whether it alleges facts sufficient to constitute a violation of this chapter. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint, and notify the complainant and the respondent in writing. If the board determines that the verified complaint ~~alleges facts sufficient to constitute a violation of this chapter,~~ **or other information received, whether or not under oath, provides a reasonable basis for the belief that a violation of this chapter has been committed, or that investigation of a possible violation is warranted, it shall notify the respondent that the respondent has fourteen (14) days in which to file any response the respondent may wish to make with the board.** ~~¶~~ **The Board** may make an investigation with respect to any alleged violation, may proceed directly to order a hearing before the board, or may make a referral to the district attorney's office recommending further investigation and possible prosecution. In the event the board determines to proceed directly to hearing, it shall provide the respondent and the complainant a notice of the date and time of the hearing which shall be commenced within 30 days, unless the respondent petitions for, and the board consents to a later date.
- (d) *Investigations, **service, copies.*** The board shall authorize any investigation by resolution which shall state the nature and purpose of the investigation and the actions or activities to be investigated. A copy of the resolution shall be mailed to each respondent identified in the resolution as a subject of the investigation and a general statement of the statutes and ordinances applicable to the investigation. Service of the resolution is complete upon mailing. If the board determines that a verified complaint was brought for harassment purposes or is frivolous, the board will so state. **In proceedings on any complaint, the board shall provide copies of any orders or other documents issued by the board to both the respondent and the complainant. In proceedings on any complaint, the complainant and respondent shall provide to each other copies of any documents or material that they file with the board.**

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Doug Diny, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk