

ORDINANCE NO. _____
By the Legislative and Licensing Committee

AN ORDINANCE AMENDING THE CODE OF ETHICS
OF THE MUNICIPAL CODE OF THE CITY OF BROOKFIELD
RELATING TO THE DISCLOSURE OF CONFIDENTIAL INFORMATION

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

PART I. Section 2.16.060 A. of the Municipal Code of the City of Brookfield is hereby amended to include the following:

“Confidential information” is, at the time of a proposed disclosure, information where the City’s interests in its confidentiality or in the City’s effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Wisconsin Statute Section 19.85 unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this section information shall include knowledge imparted orally, recordings, and written documents or records.

PART II. Section 2.16.060 C.2. of the Municipal Code of the City of Brookfield is hereby repealed and recreated to read as follows:

2. No official or employee may use or disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of his official position or activities, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.

PART III. Section 2.16.090 A is hereby repealed and recreated to read as follows:

A. A determination that an elected official’s actions constitutes improper conduct under the provisions of this chapter may constitute a cause for sanctioning, censuring or removing the official, or other disciplinary action by the council, as permitted by law. Removals may be made only by an affirmative vote of three-fourths of all the members. Sanctions and censures may be made only by an affirmative vote of two-thirds of the members present. A determination that an employee’s actions constitutes improper conduct under the provisions of this chapter may constitute a cause for disciplining or discharging the employee, or other disciplinary action by the council, as permitted by law. A determination that an appointed member of a board, committee or commission’s

actions constitutes improper conduct under the provisions of this chapter may constitute a cause for the Mayor or other appointing authority to consider removing the member from the board, committee or commission.

PART IV. Section 2.16.090 C. is hereby created to read as follows:

C. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a municipal forfeiture of not less than \$100 nor more than \$1,000 for each violation.

PART V. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED _____, 2004

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Published: _____