



Housing Opportunities Commission
Agenda
June 12, 2024

PLEASE TAKE NOTICE that there will be a virtual meeting of the City Housing Opportunities Commission on June 12, 2024 at 5:00 p.m. via virtual Webex meeting in the Council Chambers of City Hall, 203 S. Farwell Street, Eau Claire, Wisconsin on the below agenda items.

The meeting will be available to the public via Webex using a computer, tablet or smartphone (requires Webex app), or telephone (audio only) using the link or dial-in number.

Web Address for Attendees:

<https://eauclairewi.webex.com/eauclairewi/j.php?MTID=mc458dca2c60d2c40417d05b32ce88c85>

Join by Phone: +1-408-418-9388 United States Toll **Access code:** 2480 355 7592

Password: 5euK4YMS6iJ (53854967 when dialing from a phone or video system)

1. Call to Order
2. Roll Call
3. Approval of meeting minutes of April 10, 2024
4. Open Public Comment Period
5. Introduction of New Members
6. Election of Officers
7. Public Discussions
8. Review of By-laws and General Information for Boards, Commissions, & Committees (:40)
 - A. 2023 Work Plan
 - a. Regional Housing Conference – 2024 (:15)
 - i. Theme
 - ii. Workgroup (Moseley, Betzig-Lundberg, Christopherson, Thrun)
 - b. Work Plan Review (:30)
 - B. Other Business Agenda items
 - a. Staff updates (:15)
 - i. 2024 Housing Development Permits
 - ii. Housing Projects Update
 - iii. Day Resource Center Update
 - iv. ARPA Updates (Community Land Trust, Community Development Corporation)
9. Discussion and Direction
 - A. Future Agenda Items
 - a. ARPA Updates as needed
 - b. AARP Community for All Ages
 - c. TIFs, CIP, and other Housing Initiatives: Finance Director, Kitzie Winters
 - d. Zoning Update
 - e. Mobile Home and Tiny Home Communities
 - f. Housing Bills
 - g. Possible partnerships with County and neighboring municipalities
 - h. Housing Study community outreach
 - i. Inclusive Housing Presentation
 - B. Announcements
 - a. July 17 Home for Everyone Conference (<https://ahomeforeveryone.events/>)
8. Adjournment

Judi Moseley, Chairperson
c: News Media



Housing Opportunities Commission Minutes
April 10, 2024 at 5:00 p.m.

Members Present: Thrun, Betzig-Lundberg, Chaput, Christopherson, Klingbeil, Filipczak, Rogers, White

Members Absent: Moseley, Poser, Lindaas

Staff Present: Hufford, Morman, Jagodzinski

1. Call to Order by Vice Chairperson Chaput at 5:01 p.m.
2. Roll Call – Members and staff were present in Council Chambers
3. Meeting minutes of March 13, 2024 were approved with the following corrections:

Commissioner Betzig-Lundberg recommended the following notes be added in the agenda item “Zoning Overhaul Update” under the “Questions and Comments” section:

- Commissioner Betzig-Lundberg noted the PUD objectives list different requirements for a PUD, and asked if developers have to meet all or only one and why not require all of them
- Concerns with wordage on page 56 were discussed.
- Questions about assisted living used and CBRFs were discussed.

Motion to approve the minutes with the proposed corrections by Commissioner Thrun seconded by Commissioner Klingbeil and passed unanimously.

4. Open Public Comment Period – Nobody from the public came forward to comment.
5. Public Discussions
 - A. 2023 Work Plan
 - i. Regional Housing Conference – 2024 - At the March 13 meeting, there was a discussion about coordinating with WHEDA to host a mini-session in May, but was not feasible due to the short timeline. Ms. Hufford asked HOC if they want to continue moving forward on coordinating a session with WHEDA.

Questions and Comments

- Commissioner Christopherson asked if there was anything new specifically for rehabbing and fixing old homes. Ms. Hufford and Commissioner Thrun confirmed an infrastructure loan program is the only program currently available, but a home remodeling loan program may be coming in the future. Commissioner Christopherson noted the Randall Park neighborhood is interested in the remodeling programs, and targeting specific neighborhoods for these programs may be helpful.
- Commissioner Thrun added the City of Eau Claire does not currently qualify for the infrastructure program, but there are other municipalities in the region that qualify. Ms. Hufford added that the City does not need to do a completely new comprehensive plan or approve a major zoning update in order to qualify.
- Commissioner Klingbeil requested to be connected with Mai Xiong to provide information to DHS.

- ii. Community Development Corporation – Ms. Hufford provided an update on the Community Development Corporation (CDC) which was awarded \$500,000 in ARPA funding. It will be a private-public partnership with the goal of providing

sustainable funding towards affordable housing. Ms. Hufford will work on getting an existing CDC to come do a presentation to HOC.

Questions and Comments

- Commissioner Christopherson asked there be a specific outcome that they want to see people reach and to ensure that their involvement in homebuying does not become a burden.
- Commissioner Klingbeil added that some programming ends up being punitive. She asked if this funding could go towards transitional housing. Commissioner Chaput noted the need to define transitional housing. Ms. Hufford clarified that transitional housing does not qualify for many sources of federal funding but does not disqualify them from using the ARPA funds in that way.
- Commissioner Rogers commented that they were considering the structure but they don't know what the goal is yet. He added that HOC wants to get the best value out of the funding but they need to determine their desired outcome. Ms. Hufford noted the need for this funding to be sustainable, and their goals can be flexible and adaptable.
- Commissioner Thrun asked if they should find a non-profit partner first and work with them to determine the structure and goals. Ms. Hufford said HOC needs to determine their highest priorities in order to find an organization that fits best.
- Commissioner Betzig-Lundberg asked to link it to our mission and form the CDC in that context.
- Commissioner Rogers commented that they should speak with an organization that is experienced. He also asked when funds need to be committed. Ms. Hufford said they need a contract by the end of the year.
- Commissioner Chaput commented there is a great need for 3+ bedroom affordable units for families and affordable apartments for people with disabilities.
- Commissioner Christopherson identified the need to understand where their funding requirements may butt heads with other sources.
- Commissioner Klingbeil suggested funding could go towards security deposits for families that cannot afford it.
- Commissioner Chaput asked if they could learn more about funding creative housing solutions. Ms. Hufford noted the City is working with developers to find creative housing solutions.

6. Other Business Agenda items

A. Staff updates

- i. 2024 Housing Development – Ms. Hufford noted she will provide updates on the Day Resource Center in future HOC meetings.

B. Housing Projects Update – Ms. Hufford shared they are working on hiring an intern to assist with HOC.

Questions and Comments

- Commissioner Betzig-Lundberg asked for an update on Prairie Heights. Ms. Hufford will follow up with an estimated completion date.
- Commissioner Rogers asked for an update on the Eddy and other completed City affordable housing and if there is any feedback since it has opened. Ms. Hufford will follow up.
- Commissioner Thrun gave an update on the twin-homes that were partially funded by HOC; the rezone was approved by Council. Ms. Hufford added the land has not been sold yet to Home for Good. Commissioner Christopherson added the surrounding neighborhood of this project is not in support and urges HOC to provide support for the project.

7. Discussion and Direction
 - A. Future Agenda Items
 - i. ARPA updates as needed
 - ii. Community Development Corporation
 - iii. AARP Community for All Ages
 - iv. TIFs, CIP, and other Housing Initiatives: Finance Director, Kitzie Winters
 - v. Zoning Update
 - vi. Mobile Home and Tiny Home Communities
 - vii. Housing Bills
 - viii. Possible partnerships with County and neighboring municipalities
 - ix. Housing Study community outreach
 - x. Inclusive Housing Presentation
 - xi. Community Development Corporation
 - xii. Election of Officers – May
 - xiii. Orientation for New Members – May
 - xiv. Check in on work plan – May
 - C. Announcements
 - i. July 17-18 Home for Everyone Conference, registration opens next week.
8. On a motion by Commissioner Thrun and seconded by Commissioner Klingbeil the meeting adjourned at 5:56 p.m.

HOUSING OPPORTUNITIES COMMISSION
Created by City Ordinance in 2020; Chapter 2.67)

MEMBERSHIP:

The Housing Opportunities Commission consists of 11 members

- 10 resident members
- 1 city council member

The Housing Opportunities Commission resident members include those with backgrounds as local developers, realtors, property managers, public health, social service providers or other applicable lived experience, and at least one member with student housing lived experience. The city especially seeks members with an interest in providing local affordable housing through their expertise in the areas of real estate and development, social services, finance, economic development, lived experience, design and architecture, urban and regional planning, property management and community service leaders.

APPOINTED BY:

The City Council.

TERM:

Three years.

MEETINGS:

The commission was established in January 2020 and meeting dates are yet to be determined. The ordinance establishing the commission indicates regular meetings shall be held on a monthly basis and special meetings on the call of the chair.

PURPOSE AND DUTIES:

The purpose of the Commission is to advise city council and further city housing policy:

- Recommend and review ordinances and other policies of general application that best ensure the availability of affordable housing in the city of Eau Claire.
- Facilitate access to programs and funding for groups, including but not limited to, developers, builders and residents that contribute to Eau Claire's affordable housing, and especially to reduce costs for those who face the greatest need.
- Promote public-private partnerships that stimulates the development and revitalization of local housing units, expands the diversity of housing types, and improves housing affordability.
- Review civic strategies that increase home ownership opportunities in the city of Eau Claire.
- Regularly, but no less than annually, convene a regional meeting of industry and community stakeholders to share the Commission's progress and direction on strategies for affordable housing and to receive feedback that may be incorporated into their work and recommendations to the City Council, staff and wider community.

Further the Commission has the following duties and responsibilities:

- Support goals of the City Council Strategic Plan, the Comprehensive Plan, and the city manager's work plan related to affordable housing.
- Review affordable housing policies and provide recommendations and comments to the Plan Commission and City Council.

- Recommend any affordable housing program eligibility criteria to City Council.
- Initiate and recommend guidelines for development of Eau Claire affordable housing policy, including expanded home ownership and transitional housing opportunities in the city.
- Annually propose to city council for its review and adoption affordable housing goals and Commission work plan based upon documented community need consistent with the Comprehensive Plan, Strategic Plan, and Regional Housing Task Force recommendations.
- Provide advocacy for establishing and maintaining a diversity of housing types and opportunities in the city.
- Promote a greater community understanding and acceptance of affordable housing through public education and public events.
- Review and advise the city council on affordable housing priorities in the capital improvement plan for the city.

Housing Opportunities Commission

Bylaws Amendments

REMOTE ATTENDANCE – STANDING RULES

Remote attendance at City of Eau Claire Housing Opportunities Commission meetings is permitted through full compliance with Wisconsin Open Meetings Law, City of Eau Claire Ordinance 2.04.055, and by the adoption and application of these rules. The Housing Opportunities Commission recognizes that Wisconsin Open Meetings Law requires the public have the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.¹ As such, Housing Opportunities Commission will strive to provide as much advance notice of meetings with virtual attendance as is reasonably possible and all proceedings shall be open and accessible to the public.

Pursuant to City of Eau Claire Ordinance 2.04.055, and acknowledging the necessity of full compliance with that ordinance, the Housing Opportunities Commission establishes the following standing rules governing remote attendance:

1. Understanding that Wisconsin Open Meetings Law requires transparency and accessibility for the public, the preference for meeting attendance by committee members shall be in person. Remote attendance shall be utilized only when a committee member is unable to attend a meeting in person to allow for the greatest public access and understanding of Housing Opportunities Commission proceedings.
2. A request to add a virtual attendance option to a meeting shall be considered from the Housing Opportunities Commission chairperson or if submitted from at least two members of the Housing Opportunities Commission Requests must be submitted to the staff liaison or City Clerk at least 96 hours (4 days) prior to the scheduled meeting.
3. A request for virtual attendance made in a timely manner and properly publicly noticed shall result in a meeting held entirely virtually.
4. Committee members attending remotely shall be located in an environment with technology that allows the member to hear and speak in the meeting.
5. Committee members attending remotely shall remain on screen with video on in order to vote and count for quorum.
6. As required by City of Eau Claire Ordinance 2.04.055, virtual attendance shall not be permitted for meetings involving quasi-judicial proceedings, closed session, or any other proceeding where in-person attendance is necessary to fully participate in the proceedings.

Adopted July 12, 2023.

¹ Wis. Stat. §19.81(1).

REMOTE ATTENDANCE

Housing Opportunities Commission will meet in-person a minimum of two (2) meetings per year. Meetings occurring in May and October are required to be in-person only.

Adopted August 9, 2023.

CODE OF CONDUCT

The Committee Code of Conduct provided to all new committee members in their welcoming packet and reviewed during new-member orientation has been affirmed by the Housing Opportunities Commission Commissioners.

Adopted August 9, 2023



CITY OF
**EAU
CLAIRE**

Boards, Commissions
&
Committees

General Information
For
New Appointees

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To view all sections of the Public Officials Handbook, visit the City’s website:

www.eauclairewi.gov/government/boards-commissions-committees

Committee Code of Conduct

Over 150 volunteer citizens serve the City on Boards, Commissions and Committees. These groups of volunteers advise the City Council in many various important areas. Participation is greatly appreciated by Council members, City staff, and the community at large.

The City of Eau Claire Committee Code of Conduct is outlined below. Committee members shall

- A. Support the Vision, Mission, and Value Statements of the City of Eau Claire.
- B. Act in a manner as to support the orderly, efficient operation of Committee meetings.
- C. Commit to attending all meetings to the best of their ability. While occasionally schedules and other priorities will prevent attendance, it is expected that regular attendance will occur. In the event that three consecutive meetings are missed without notifying the staff, the Committee Chair will contact the member to discuss attendance. If necessary, the Chair will contact the Advisory Committee on Appointments who may review the reasons for the absences.
- D. While in attendance
 - 1. Conduct themselves in a manner that will bring credit to themselves and to the City.
 - 2. Obey all applicable Federal and State laws and City of Eau Claire ordinances.
 - 3. Not participate in the business of the committee while impaired by any substance.
- E. Respect the lawful authority vested in them by virtue of their position as a Committee Member.
- F. Not use his or her committee membership to obtain financial gain or anything of substantial value for his or her personal benefit, for the benefit of his or her immediate family, or for an organization with which he or she is associated.
- G. Not use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
- H. Conduct the business of the City in a respectful and professional manner.
- I. Show respect for each other and officials of the City of Eau Claire.

In the event that violations of this Code occur, the Committee Chair may report to the Advisory Committee on Appointments, who will review the report and may recommend to the City Council replacement of the member on the respective committee.

City of Eau Claire

Vision, Mission and Organizational Values

Vision

Eau Claire is a vibrant city with exceptional quality of life and services.

Mission

It is our mission to assure the common good through services essential for a safe, sustainable, engaged and healthy community.

Values

- Integrity
- Environmental and Fiscal Sustainability
- Service Excellence
- Transparency
- Enjoyment, Fun, Enthusiasm
- Vision
- Diversity
- Collaboration

Value Statements

- The City delivers services in an ethical, professional, fair and transparent manner.
- The Eau Claire City Council values each other and City staff by fostering a collegial, inclusive, respectful and engaging policy-making environment.
- Eau Claire's City staff values innovative and responsive approaches to service delivery, and embraces a culture of continuous improvement.
- The City values its employees and strives to recruit, retain and support the best workforce possible.

CITY OF EAU CLAIRE

PURCHASING POLICY

In your capacity as an elected or appointed official of the City of Eau Claire, you may on occasion be contacted by representatives of various businesses promoting a particular product or service to your board, committee or commission. These individuals may not be aware of the City policy which directs all such contacts to be made directly with the Purchasing Agent's Office of the City.

If you are contacted by someone wishing to do business with the City, please direct them to the Purchasing Office at 839-4916. This will enable fair and equitable treatment of all individuals who deal with the City, ensure the best possible investment of public funds, promote competition, and maintain the quality and integrity of the purchasing process.

City of Eau Claire Handbook for Public Officials

The public appearance of a conflict is also a concern.

- Even though an actual conflict of interest does not exist, the public official should be sensitive to the public appearance of a conflict. In such a case, the public official should consult with the City Attorney first to get his/her opinion on whether a legal conflict exists and then, if the public official is interested, for advice on how to best address the situation. Understand that if a legal conflict does not exist, it is entirely up to the public official on whether to abstain or to take other action to minimize the appearance of conflict.

What to do if a public official has a conflict of interest.

- Public officials should refrain from discussion and abstain from voting or becoming involved in any action on the matter. If a public official makes any statement on the issue from the public official's personal perspective during a City Council, commission, committee or board meeting, the public official should step down from their chair. If the public official's personal comments are made outside of a meeting, the public official should take steps to clarify that their statement is of a personal nature and not as a public official or as the official position of the City.

3. Criminal Law.

Misconduct in public office is a potential source of criminal conduct for a public official. Wis. Stat. § 946.12. The law prohibits intentionally failing to perform mandatory official duties, actions in excess of lawful authority, improper exercise of discretionary authority (e.g., a public official voting in favor of a rezoning solely to increase the value of property owned by the official), acceptance of bribes or falsifying a public document.

4. Legal Opinions/Advice/Enforcement.

The City Attorney's office will provide assistance and advice in conflict matters and can offer confidential legal opinions for ethics questions arising under Wis. Stat. § 19.59. The City Attorney can also request an opinion of the State Ethics Board. Such opinions are issued to a requesting public official and are not enforcement procedures one member may bring against another. Enforcement of ethics laws is in the name of the state and is initiated by the district attorney. Wis. Stat. § 19.59(8).

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4. Public Notice.

Public notice is provided to inform the public of the meeting topic and location and allow an opportunity to attend and observe as desired any meeting of a government body. Even if the government body has a lawful reason for entering closed session, it must notice the meeting and the intended closed session, commence in open session and only then follow the statutory procedure to move into closed session. A few standards related to public notice are as follows:

- “Every meeting of a governmental body shall be preceded by public notice...” Wis. Stat. § 19.83(1).
- Notice must be provided to news media at least 24 hours before meeting, UNLESS, for “good cause such notice is impossible or impractical,” then at least two-hours’ notice must be provided.
- Notice need not be published. It may be given verbally or in writing, although written notice is the normal and better practice. Notice is also posted in City Hall and other public places. Notice must contain “time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session.” (If subject matter is not included, it cannot be discussed.) Wis. Stat. § 19.84(2).
- Notice must “reasonably apprise” the public of the subject of any closed session, with greater notice required in matters of heightened public interest. *State ex rel. Buswell v. Tomah Area School Dist.*, 2007 WI 71, 732 N.W.2d 804.
- The government body cannot commence a meeting, which must always be in open session, convene in closed session, and then reconvene in open session within 12 hours thereafter, unless advance public notice is provided. Wis. Stat. § 19.85(2).

5. Closed Session.

Meetings are to be held in open session, except as otherwise explicitly provided by the Open Meetings Law. Wis. Stat. § 19.83. Exemptions include those stated in Wis. Stat. § 19.85, including the following, which are most often used:

- Deliberation of a quasi-judicial hearing held before that governmental body. Wis. Stat. § 19.85(1)(a).
- Considering employment matters regarding a public employee over which the board exercises responsibility. Wis. Stat. § 19.85(1)(c).
- Negotiating purchase of property or whenever competitive or bargaining reasons otherwise require confidentiality. Wis. Stat. § 19.85(1)(e).
- Conferring with legal counsel with respect to litigation in which it is or is likely to become involved. Wis. Stat. § 19.85(1)(g).

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The following procedures are used to move into closed session:

- Presiding officer announces the nature of the closed session by reading the public notice and statutory justification for closed session.
- Upon motion and second, a majority roll call vote is necessary to proceed to closed session. (Unanimous consent acceptable, but not preferred. *Schaeve*, 370 N.W.2d 271).

Voting in closed session is not expressly authorized by state statute, but according to an Attorney General Opinion may occur when the vote is "clearly an integral part of the deliberations authorized to be conducted in closed session under Wis. Stat. § 19.85(1)." The exemptions to the Open Meetings Law contained in Wis. Stat. § 19.85(1) use terms such as "considering", "deliberating", and "conferring" to describe the permitted actions by a governmental body in closed session. In order to consider, deliberate and confer, a decision or direction by the governmental body is often required.

Decisions in closed session are permissible by either formal vote or informal consensus. In a 2008 letter to Don Huebscher of the Leader-Telegram, the Attorney General's Office stated in regard to whether it is "permissible for a governmental body in closed session to make decisions by consensus" that "[n]othing in the open meetings law prohibits a body from making decisions by general consent, without a formal vote..." The opinion then goes on to note that formal votes may also take place in closed session and may be preferred, at least for matters that are more than routine. It is not the form of the decision that mattered to the Attorney General, stating in the letter that "regardless of whether a particular decision is made by consensus or by some other method, Wis. Stat. § 19.88(3) still requires the body to create and preserve a record of that decision." When votes or consensus decisions are made in closed session they must be recorded in confidential closed session minutes, which is the City's practice.

Closed session decisions are not often the final word or decision on an issue. Rather, they typically involve deliberations or considerations leading to ultimate action that will occur later during a properly noticed open session of the governmental body, such as public action to approve a development agreement or labor contract. This is not always the case, as for example in matters of litigation, performance evaluations of direct reports to the body, or an agreement that fails to materialize. However, in furtherance of the purpose of the Open Meetings Law, the City minimizes voting or other decisions that are not ultimately made in an open session and only makes decisions by vote or consensus in closed session when it is an integral part of the closed deliberations and then properly recorded in closed session minutes. "Stated another way, a governmental body should vote in open session, unless doing so would compromise the need for the closed session." Wisconsin Department of Justice, Wisconsin Open Meetings Law: A Compliance Guide 23 (2009).

Minutes of closed session record attendance, any votes taken and the time the session begins and ends. As with open session minutes, they are not a verbatim transcription. Minutes of closed sessions held pursuant to Wis. Stat. § 19.85(1)(c) are kept by the

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Department of Human Resources. All other closed session minutes are kept by the City Clerk.

- As noted above, notice is required to return to open session, as boards cannot meet in open session, convene in closed session, and re-convene in open session within 12 hours thereafter. Wis. Stat. § 19.85(2)
- Some meetings must remain in open session (e.g., Board of Review, exchange of initial labor negotiation proposals or action to ratify a collective bargaining agreement).

6. Walking Quorum Issues.

A "walking quorum" is a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum." Wisconsin Dep't of Justice, Wisconsin Open Meetings Law: A Compliance Guide 9 (2010), citing *State ex rel. Newspapers v. Showers*, 135 Wis. 2d 77, 92 (1987). An attempt to circumvent the Open Meetings Law and avoid the appearance of a meeting through use of a walking quorum may constitute a violation of the Open Meetings Law. *State ex rel. Lynch v. Conta*, 71 Wis. 2d 662, 687 (1976).

A walking quorum is an Open Meetings Law violation. The purpose of the Open Meeting Law is to provide the public with the "fullest and most complete information" regarding the conduct of governmental business. Wis. Stat. § 19.81 (1). Gatherings of a majority or more of members of a public body are presumed to constitute a meeting that requires public notice. Wis. Stat. § 19.82 (2). A series of meetings that convey information among a quorum of members intent on evading the purpose of the Open Meeting Law is equally a violation of the law as if all the members communicated at once as either approach equally deprives the public from full and complete access to the decision-making process of their public officials. Members of a governmental body may communicate with one another outside of a meeting without violating the Open Meetings Law if they avoid doing so in numbers, at once or through a series of communications, approaching a quorum or a negative-quorum (a sufficient number of members to defeat an item).

Communication through the staff liaison is a recommended approach to avoid walking quorums. Another tip is to avoid multiple forwards and the "reply all" function of email messages to public officials on the same public body.

7. Enforcement and Penalty.

Enforcement of the Open Meetings Law is through the office of the Attorney General or by the district attorney upon a verified complaint. Wis. Stat. § 19.97(1). If a person files a verified complaint and the district attorney does not take action within 20 days, the person may commence the action and recover costs and fees, including attorney fees, if he/she prevails. Wis. Stat. § 19.97(4). A judge may void action taken by the governmental body in violation of the Open Meetings Law. Wis. Stat. § 19.97(3). Each member in violation is subject to a penalty of \$25 to \$300. Wis. Stat. § 19.96.

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8. Advice.

Please contact the City Attorney regarding interpretation of the Open Meetings Law. The City Attorney may also consult with the Wisconsin Attorney General's office that provides opinions on the Open Meetings Law to state agencies and municipalities.

"[A]ll meetings of ... local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law." Wis. Stat. § 19.81(2).

B) RULES OF ORDER

The manner in which meetings of Eau Claire governmental bodies are conducted is governed by local ordinance, at times by state law, the bylaws of an individual governmental body, and absent any conflicting authority, by Robert's Rules of Order. Each desk in City Council Chambers is provided with a copy of Robert's Rules of Order, along with a copy of the City Code of Ordinances. It is difficult to master all the formal rules and procedures for conducting business in a group because the detailed rules are so numerous and hard to remember or retain. To help with this process, copies of Parliamentary Procedure at a Glance, written by O. Garfield Jones, a professor of political science from the University of Toledo, are available. The book arranges the sequence of motions based upon their rank or precedence, not alphabetically, which the members of a governmental body may find useful as a reference.

1. Meeting Chair.

Every governmental body has a Chair, who is the person designated to preserve order and run a meeting. The Chair of each governmental body is selected according to the bylaws of that governmental body.

2. Parliamentary Procedure.

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedure.

3. Role of the Chair in Maintaining Order.

It is the responsibility of the Chair to keep comments, debate, and discussion of governmental body members and the public on track during public meetings. Members should endeavor to assist and support efforts of the Chair to focus discussion on current agenda items and the topic at hand. If there is a disagreement about the agenda or actions of the Chair, those objections should be voiced politely and with reason, using the appropriate procedures.

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4. Meeting Decorum.

The City Council, boards and commissions are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals who represent a broad spectrum of resident interests. Difficult questions, tough challenges to particular points of view and criticism of ideas or information are legitimate elements of a free democracy in action. Members should maintain civility and decorum by refraining from personal, threatening, abusive, or disparaging remarks to fellow Council, commission, board or committee members, guests at the meeting, the public or City staff.

5. Use of Formal Titles.

Out of respect for the position, members should refer to one another formally during public meetings. Appropriate titles include "President," "Vice President," "Mr. or Madam Chair" or "Vice Chair", "Council Member," "Member" or "Commissioner" followed by the individual's last name. This will also make it easier for the person taking minutes to track and record motions made during the meeting.

C) LIABILITY ISSUES

1. Liability Limited.

In general, public officials are well protected against personal liability for acts they perform within the scope of their official duties. The courts do not impose personal liability upon local officials for their exercise of or failure to exercise legislative discretion. As long as a municipal official performs his or her duties in good faith, the official should have no concern about personal liability for those actions.

Of course, if a municipal official performs a ministerial (non-discretionary) act in a careless or negligent manner, or intentionally, dishonestly, or illegally causes damages, personal liability may result. For example, a public official could not use his or her position to defame another person. Such expressions and statements are protected only where the municipality has an interest in the matter.

Also, if a public official has a private pecuniary interest in a City contract and participates in the making of the contract, the contract is not only void, but the public official may be required to reimburse third parties for their losses. Wis. Stat. § 946.13.

2. Liability Caps.

The amount recoverable in a legal action against a municipality is generally limited by statute to \$50,000. Wis. Stat. § 893.80(3). Public officials are covered by this statutory limitation. The limitation is not comprehensive, however. For example, a limit of \$250,000 is imposed where a City vehicle used on City business causes damage through negligence. Wis. Stat. § 345.05(3). Furthermore, some legal actions have no limit, such as actions based on the deprivation of civil rights. 42 USC § 1983.

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3. Legal Defense and Payment.

Despite the foregoing protections, the possibility exists that an action may be brought and judgment rendered against a public official, which activates yet further protections. State law provides that if a City official is personally sued for an action taken within the scope of official duties, the City must either provide legal counsel or pay reasonable attorney fees and costs of defense. Wis. Stat. § 895.46(10)(a).

Furthermore, if the court or jury finds that the official acted within the scope of official duties, any judgment rendered, both as to damages and costs, must be paid by the City. Wis. Stat. §§ 62.25(2) and 895.46(1)(a).

4. Personal Liability for Statutory Violations.

However, some judgments exist that are not reimbursable under these statutes. One is a judgment of forfeiture against the public official for an Open Meetings Law violation. In that case, the law expressly provides that payment is to be made by the violator without reimbursement from the municipality. Wis. Stat. § 19.96. Such exemptions are rare, however, and usually require the commitment of an intentional or wrongful act.

Another law permits but does not require reimbursement in certain legal actions of costs and expenses incurred in an official's defense. Wis. Stat. § 895.35. These are actions where the public official is sued in an official capacity and the action is dismissed, discontinued, or decided in his/her favor, or the public official is reinstated, or where the public official, without fault, is subjected to such personal liability.

A separate area of potential liability is in the area of civil rights. 42 USC § 1983. Public officials can be personally sued, either in Federal or State court, for actions that deprive persons of their constitutional rights. However, the courts have granted various types of immunity to local legislators in these types of actions. Under these decisions, public officials are generally held to be absolutely immune when acting in a legislative capacity. Not all public officials act in a legislative capacity; many governmental bodies act in a quasi-judicial capacity. While acting in other official capacities, public officials may have only qualified immunity. This means that a member is immune from damages if he/she acts in good faith with a reasonable belief that his/her actions were lawful. (Note, however, that even if good faith exists, this does not immunize the City itself from liability.) Judgments and costs against a public official for actions taken within the scope of official duties would be absorbed by the City in accordance with Wis. Stat. § 895.46, as noted above.

5. City Insurance.

City insurance also provides coverage in the extremely unlikely event of a judgment against a public official arising out of his or her official duties. These insurance policies cover all City employees, including Council members and other public officials, while acting within the scope of their official duties. These coverages are for commercial general liability, business

City of Eau Claire Handbook for Public Officials

auto, and for public officials' liability for errors and omissions. The City also has an umbrella policy, which provides for increased coverage and limits.

The comprehensive general liability policy covers personal injuries, including property damage. Among other things, this policy covers damages for statements which are defamatory or which are an invasion of privacy. The policy limit is \$5 million per occurrence.

The business auto policy provides coverage to a public official operating either a personal vehicle or a City vehicle on City business. However, if a personal vehicle is used, City coverage is secondary to the public official's own auto policy. If a City-owned or -leased vehicle is used, City coverage is primary. The policy has a single limit of \$10 million per occurrence.

The public official liability policy covers injuries other than bodily injury or property damage that are caused by an error or omission. The policy limit is \$5 million per occurrence.

6. Summary.

In summary, the law recognizes that public officials cannot properly perform their public duty if they are in continuous fear of being held personally liable for their actions. Accordingly, they are provided with substantial protections against such personal liability. Public officials who take official actions in good faith need not worry about being held personally liable for those actions.

D) CONFLICT OF INTEREST - ETHICS

All public officials of the City of Eau Claire should exemplify the best of common values in their professional and personal lives. If public officials conduct themselves with civility, respect others' opinions, and maintain the best interests of the City of Eau Claire as a foremost goal, public officials will honor themselves and the City with their public service. During a public official's term in office, the public and press will observe the public official's behavior. They will certainly note the public official's conduct at public meetings and other meetings and events attended in an official capacity. Also expect even personal conduct, especially unflattering conduct, to be reported and scrutinized by the public. The following is intended to summarize ethical, legal requirements of public officials and to suggest ways to avoid even the perception of ethical missteps.

1. Ethics Law.

State law and local code prohibit certain conduct as inherently unethical. These laws and standards are briefly outlined below. Beyond these minimum required levels of ethical conduct, there is an additional sphere of actions which, while not illegal, may be perceived as unethical by the public and, therefore, should be avoided. Public officials are encouraged to seek the legal advice of the City Attorney if public officials believe their conduct may fall into either area. While the City Attorney's office represents the entire City as an

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organization, this is one area in which the office is able to provide public officials with confidential advice. Wis. Stat. § 19.59(5).

The following are violations of either state or local ethics laws:

- Use of public office for private gain. Wis. Stat. § 19.59(1)(a).
- Improper influence; offer or receipt of anything of substantial value. Wis. Stat. § 19.59(1)(b).
- Receipt of gifts or gratuities of any value from any person or entity that may be substantially affected by the public official or by action of the City Council, board or commission. Eau Claire Code of Ordinances 2.72.130.
- Taking official action in matters in which the official or a family member has a substantial interest. Wis. Stat. § 19.59(1)(c).

2. Conflict of Interest.

In addition to the above-referenced statutory ethical violations that must be avoided either initially or minimized by use of abstention, there are also non-statutory sources of conflict law. There is a common-law or case law concept that no person can serve two masters at the same time. A public official must serve the public with undivided loyalty, uninfluenced by private interests.

Here are some general rules to consider when deciding whether to participate in a discussion and vote on a topic before City Council or any board, commission or committee on which a public official serves:

- Would an actual or apparent personal interest in a matter override the public official's interest in the matter as a City official?
- Does the public official, any member of the public official's immediate family, or any organization with which the public official is affiliated have a pecuniary or financial interest in the matter?
- Would the public official's personal interest tend to influence the public official to vote differently than the public official would if it did not exist?

However, the apparent conflict does not extend to matters in either of the following situations:

- The public official's personal interest is speculative or remote (e.g., an increase in hotel room tax may affect the public official's family-owned restaurant).
- The public official's personal interest is no greater than the whole class of persons or interests affected by the action. (e.g., the public official lives in the same neighborhood as a street or sidewalk project).

CITY OF EAU CLAIRE HOUSING OPPORTUNITIES COMMISSION (HOC)

2024 Work Plan

Theme: A safe, affordable home for everyone.

What	Anticipated Outcome, Product or Result	Specific Actions	Target Dates	Potential Partners
Monitor Housing Inventory	Create a pathway for awareness for projects coming before the City.	Track growth and decline in all housing types and project developments to identify gaps and needs in the community, utilizing a 'scorecard' format.	Monthly	CVHTF, CVHBA, City Staff
Ordinance & Policy Review	Reduce barriers and increase incentives for affordable housing development.	Review city ordinances and make recommendations to PC & CC for positive changes. Update City Council on innovative programs, policies and sustainable housing technologies. Consider new housing paradigms such as a community land trust.	Monthly	CVHBA, CVHTF, JONAH AHTF, BBWP Coalition, Transformation Project, El Centro, ECAHMAA, other communities' best practices
Eau Claire Housing Plan	Housing Needs Analysis and Assessment	Review housing study and feasibility of drafting a housing plan or toolkit.	Winter 2024	CVHTF, CVHBA, City of Altoona, Eau Claire County, City Staff, public
Funding Affordable Housing	Increase AH inventory and public confidence in the allocation of AH funds, and preserve existing AH.	Develop strategies for creating increased funding opportunities for AH development and preservation of AH. Assess and implement the process and criteria for the application and allocation of public AH funding and ARPA funding opportunities. Update current scoring criteria.	Ongoing	CVHTF, JONAH AHTF, local banks & businesses, health care organizations, special needs groups, LSS, Catholic Charities, Western Dairyland, Dairyland Local Homelessness Coalition
Regional Housing Conference	Build relationships with stakeholders, inform the community, generate public input and recommendations.	Plan and execute an event to gather stakeholders and present the opportunity to share strategies, report on progress and discuss current barriers to the development and preservation of AH. <ul style="list-style-type: none"> Review format. Convene regional partner planning group. 	Fall 2024	Chamber of Commerce, RANWW, CVHBA, regional municipalities, Momentum West
Promote Home Ownership	Increase home ownership and keep current homeowners in their homes.	Develop strategies for increasing home ownership opportunities for households of low to moderate incomes, and for preventing foreclosures/distressed sales. <ul style="list-style-type: none"> Community Land Trust RFP (Spring 2024) 	Ongoing	Neighborhood Associations, RANWW, State Treasurer, City Housing Division

CITY OF EAU CLAIRE HOUSING OPPORTUNITIES COMMISSION (HOC)

2024 Work Plan

Theme: A safe, affordable home for everyone.

<p>Create Public/Private Partnerships</p>	<p>Stimulate the development of AH, the revitalization of existing AH, expand the diversity of housing and improve affordability.</p>	<p>Design and execute events and communication channels with state and local organizations that have the potential to fund and promote AH development. Continue to collaborate with community partners to meet the needs of people experiencing homelessness.</p> <ul style="list-style-type: none"> • Housing Development Fund (Winter 2024) • Housing Resources Workshop (summer 2024) 	<p>Ongoing</p>	<p>Chamber of Commerce, EC Community Foundation, United Way, WHEDA, WI Partnership for Housing, WI Balance of State, BBWPC, Transformation Project, El Centro de Conexión de Chippewa Valley, ECAHMAA, UWEC Housing Coordinator, ADRC, CVLGBTQ+</p>
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Abbreviations:

ADRC = Aging & Disability Resource Center of Eau Claire County

AH = affordable housing

BBWPC = Black & Brown Womyn Power Coalition, Inc.

CC = City Council

CVHBA = Chippewa Valley Home Builders Association

CVHTF = Chippewa Valley Housing Task Force

CVLGBTQ+ = Chippewa Valley LGBTQ+ Community Center

ECAHMAA = Eau Claire Area Hmong Mutual Assistance Association

JONAH AHTF = Joining Our Neighbors Advancing Hope Affordable Housing Task Force

LSS = Lutheran Social Services

PC = Plan Commission

RANWW = Realtors Association of Northwest Wisconsin

RDA = Redevelopment Authority

WHEDA = Wisconsin Housing & Economic Development Authority