

**From:** [Kathleen McDaniel](#)  
**To:** [Eric Sitkiewitz - D6](#); [Steven Czekala - D9](#); [Jessie Lillibridge - HR](#); [Debbie Charney](#)  
**Subject:** FW: Opinion on Compatibility of Offices  
**Date:** Monday, February 05, 2018 8:05:28 AM

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This may be an attachment for the personnel agenda?

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**From:** Kathleen McDaniel  
**Sent:** Monday, February 05, 2018 8:03 AM  
**To:** Rhienna Gabriel  
**Subject:** RE: Opinion on Compatibility of Offices

I am not exactly sure what County Executive Ziegelbauer's past roles were – I know that at one point he held two elected offices, which was not statutorily incompatible at the time, and that at another time he was employed by the City while running for an elective office with another jurisdiction, but that is not prohibited. The statutory prohibition is specific to local government elected officials holding an elective office and a paid position for the same local government. For example, our County Board Supervisor Zimmer could not apply to be an Economic Support Specialist with the County. There is nothing precluding him from applying for a job with the City or the State, but he could not hold a county position.

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**From:** Rhienna Gabriel  
**Sent:** Friday, February 02, 2018 6:13 PM  
**To:** Kathleen McDaniel  
**Subject:** Re: Opinion on Compatibility of Offices

Thank you for the information. It's odd that Attorney Buerger stated that there was no State Statute against working for the City while holding office earlier today and yet, you as our Municipal Legal Council points to a Statute. This is interesting information.

Was this the case historically for present - County Executive Ziegelbauer do you happen to know?

I disagree with your recommendation to add it to a Standing Committee Agenda for Discussion. That does not seem a worthy use of anyone's time. (I really wished respect of time was mutual among all parties involved.)

Thanks again,

Rhienna

On Feb 2, 2018, at 1:48 PM, Kathleen McDaniel <[kmcdaniel@manitowoc.org](mailto:kmcdaniel@manitowoc.org)> wrote:

Good afternoon Alder Gabriel,

I was able to locate my old files on compatibility of offices, and also spoke with Attorney Buerger at the Ethics Commission and Attorney Daniel Olson at the League of Wisconsin Municipalities. While there is nothing in the local officials ethics code that directly prohibits an alderperson from applying for a City position (seasonal or

otherwise), there is a statutory prohibition on this due to incompatibility of offices. Wis. Stat. § [66.0501 \(2\)](#) specifically prohibits members of a council from being eligible from any office or position with the City that is a non-elected position. There are a few very specific exceptions for volunteer and EMS personnel, but those do not apply here as we do not have any type of seasonal positions of that nature. The League of Wisconsin Municipalities also issued a helpful FAQ Question, [Compatibility of Offices 1](#), that addresses some of the case law on point.

The City has historically taken the position that an alder who wishes to apply for a position with the City would need to resign their position in order to apply. No alder has ever chosen to do that, so we have not explored it further. If you would like a full opinion of the Ethics Board or the Personnel Committee, Alder Sitkiewitz would be the person to put those on the agenda for you.

Please let me know if I can be of further assistance.

**Kathleen M. McDaniel**

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