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WOOD COUNTY ORDINANCE #900 CODE OF ETHICS

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900 .01 DECLARATION OF POLICY

The proper operation of a democratic government requires that supervisors, officials, and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain or political advantage; and that the public have confidence in the integrity of its government. The County Board believes that a Code of Ethics for the guidance of county supervisors, officials, and employees will help them avoid conflicts which are substantial and material between their personal interests and their public responsibilities. Nothing herein contained is intended to deny to any individual rights granted by the United States Constitution or the Constitution of the State of Wisconsin.

900 .02 PURPOSE

The purpose of this code is to establish ethical standards of conduct for all county officials and employees by identifying those acts or actions that are not compatible with the best interest of the county. Because representatives of the county are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as county officials and employees retain their rights as citizens

to personal and economic interests. Therefore, the standards of ethical conduct for county officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material. County officials and employees have a right to:

(1) Engage in employment, professional and business activities, in order to support themselves and their families so long as these activities don't conflict with their obligations to the County;

(2) Maintain continuity in their professional and business activities;

(3) Maintain investments and activities which do not conflict with specific provisions of this code.

The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public. It is the intent of the county that the operations of the Ethics Committee shall strive to protect to the fullest extent possible the rights of individuals affected.

900 .03 DEFINITIONS

(1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise, which could reasonably be expected to influence the actions of the recipient. It is a rebuttable presumption that anything valued at \$25. or less would not reasonably be expected to influence an individual's judgement.

(2) "Employee" shall mean all persons filling an allocated position of county employment and all members of boards, committees and commissions not included within the definition of official or supervisor.

(3) "Financial Interest" shall mean any interest that will yield, directly or indirectly, a monetary or other material benefit to the office, to the supervisor, official, or employee, or to any person employing or retaining the services of the supervisor, official, or employee.

(4) "Immediate Family" shall mean any individual related to a supervisor, official, or employee as husband, wife, son, daughter, father, mother, sister, or brother.

(5) "Official" shall mean all county department heads and directors and all county elected officers, except judges, county board supervisors and district attorneys.

(6) "Person" shall mean any person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, or organization.

(7) "Personal Interest" shall mean any interest arising from blood or marriage relationship.

(8) "Privileged Information" shall mean oral or written material related to County Government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders or custom, as privileged. (e.g. Chapter 19 Open Meeting Law, Chapter 905 Privileges, Juvenile Court Matters).

(9) "Supervisor" shall mean any county board supervisor.

(10) "Valuable Gift" shall mean any gift, service, loan, thing or promise given with the intent to influence a supervisor's, official's or employee's actions, but does not include reasonable fees and honorariums, actual and necessary expenses incurred in public meetings or speaking engagements or the exchange of seasonal, anniversary, or customary gifts among relatives and friends.

900 .04 MARGIN OF RESPONSIBILITY OF PUBLIC OFFICE

Supervisors, officials, and employees are agents with public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Wisconsin, and to carry out impartially the laws of the nation, state, and county, and to observe in their official acts the highest standards of conduct and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in their official affairs should strive to be above reproach so as to foster respect for all government.

900 .05 FAIR AND EQUAL TREATMENT

(1) Use of Public Property. No supervisor, official or employee shall request or permit the use of county services or of county-owned vehicles, equipment, materials or property for non-official purposes or personal profit. Notwithstanding the above, deputy sheriffs shall be allowed the personal use of county owned squads, as set forth in the Civil Service Ordinance. The Sheriff and Undersheriff shall be allowed personal use of county-owned squads within Wood County and adjacent counties.

(2) Obligation to Citizens. No supervisor, official, or employee shall grant any special consideration, treatment or advantage, to any citizen beyond that which is available to every other citizen. This provision does not affect the duty of a county supervisor to diligently represent their constituency.

900 .06 CONFLICT OF INTEREST

(1) Financial and Personal Interest Prohibited. No supervisor, official, or employee shall engage in any business or transaction or shall act in regard to financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or which would tend to impair his/her judgment or action in the performance of his/her official duties.

(2) Special Conflicts Enumerated. Conflicts of interest prohibited under this section shall include, but not be limited to the following:

A. Incompatible Employment. No supervisor, official, or employee shall engage or accept private employment or render service for private interest when such employment or interest is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties, unless permitted by law.

B. Disclosure of Privileged Information. No supervisor, official, or employee shall, without lawful authority, knowingly permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. No supervisor, official, or employee shall use privileged information to advance the financial or personal interest of himself/herself or his/her immediate family.

C. Gifts and Favors. No supervisor, official, or employee shall accept from any person or organization, directly or indirectly, anything of value without full payment therefore if it could reasonably be expected to influence his/her vote, governmental actions or judgments or could reasonably be considered as reward for any governmental action or inaction.

D. Nepotism. No supervisor shall serve on any committee or board which directly is involved with the supervision of a department in which an immediate family member is employed or vote in committee or on the county board floor on questions relating solely to an immediate family members. No employee shall be employed within a department in

which an immediate family member is a department head or serves in a direct supervisory position.

E. Contracts of the County. Except as otherwise provided by Sec. 946.13, Wis. Stats., no supervisor, official or employee shall, in his/her private capacity negotiate or bid for or enter into a contract in which he/she has a private pecuniary interest, direct or indirect, if at the time he/she is authorized or required by law to participate in his/her capacity as such officer or as such supervisor in the making of that contract. Nor shall any supervisor, official or employee in his/her official capacity participate in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or perform in regard to that contract some function requiring the exercise of discretion on his/her part. A violation of Sec. 946.13 Wis. Stats., shall also constitute a violation of this code.

F. Disclosure of Interest in Legislation. Any supervisor who has a financial or personal interest in any proposed legislation before the board of supervisors shall disclose on the records of the board of supervisors, or of the Ethics Committee, the nature and extent of such interest. A supervisor shall abstain from participating in debate and voting if the matter under consideration involves his/her personal or financial interest to the extent that such interest conflicts with his/her official duties or would likely impair his/her independence of judgment.

900 .07 COMPLIANCE WITH STATE STATUTES

The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

- (1) Section 19.01 - Oaths & Bonds
- (2) Section 19.21 - Custody and Delivery of Official Property & Records
- (3) Section 19.81 - 19.89 - Open Meeting of Governmental Bodies
- (4) Section 946.10 – Bribery of Public Officers and Employees
- (5) Section 946.11 - Special Privileges from Public Utilities
- (6) Section 946.12 – Misconduct in Public Office
- (7) 946.13 - Private Interest in Public Contract Prohibited.

Supervisors, officials, and employees shall comply with the provisions of these enumerated sections of the Wisconsin Statutes and failure to so comply shall constitute a breach of the Code of Ethics.

900 .08 ETHICS COMMITTEE

There shall be a Wood County Ethics Committee consisting of five (5) members. The membership of the Ethics Committee shall consist of two (2) citizens, two (2) county employees, one of which shall be a member of management and one who is non-management *** and one (1) member which is a county board supervisor ***. The Corporation Counsel shall provide necessary staff assistance to the Committee and shall serve as its secretary but he/she shall not vote. The Corporation Counsel shall furnish the committee with whatever legal assistance is necessary to carry out its functions.

The members of the Ethics Committee shall be appointed by the County Board Chairman, subject to Board approval. The Committee will be drawn from as broad a base as possible. Terms of office shall be three (3) years. If the status of any member changes, such

member's resignation will be effective immediately and reappointment made pursuant to this paragraph for the unexpired term.

The Ethics Committee shall elect its own chairman and vice-chairman and may develop written rules and procedures and forms, copies of which shall be filed in the office of the County Clerk. Such rules of procedure shall be submitted to the County Board for approval.

A quorum of the Ethics Committee shall be (3) members. A majority vote of those committee members present and participating (not abstaining) at any meeting shall be required for any action taken by the committee.

The Ethics Committee shall have the right to go into closed session, as provided for by Wisconsin State Statutes. Closed sessions of the Ethics Committee will be limited to the committee members, necessary staff and any other person whose presence is necessary to the business at hand, as determined by the committee. The Ethics Committee may make recommendations with respect to amendments to the Wood County Code of Ethics Ordinance.

900.09 VERIFIED COMPLAINTS

The Committee shall accept from any identified person, or make upon its own motion, a verified complaint in writing, which shall state the name of the supervisor, official, or employee alleged to have committed a violation of this Code of Ethics and which shall set forth the particulars thereof. The Committee shall forward within ten business days a copy of the complaint to the supervisor, official, or employee who is accused. The Ethics Committee shall independently initiate investigations of possible violations of the Ethics Code only after the supervisor(s), officials(s), or employee(s) involved is so notified in writing of the complaint and the nature and purpose of the investigation.

The Ethics Committee shall conduct a fair and impartial investigation of alleged violations of the Ethics Code, and if it determines no violation occurred, the matter shall be terminated with an appropriate communication to the complainant and accused. If the Ethics Committee determines there is probable cause to believe the Ethics Code has been violated it may, in its discretion, take one or more of the following courses of action:

(1) If the suspected party admits to a violation of the Ethics Code or declines to contest the probable cause finding, then the Ethics Committee shall determine the appropriate course of action and penalty, if any.

(2) If the Ethics Committee is of the belief that the alleged violation is criminal in nature, it may refer the matter to the District Attorney's Office.

(3) The Ethics Committee may commence an action in the name of the County of Wood seeking a forfeiture, writ of mandamus, injunction or other appropriate action in a proper court of record.

(4) The Ethics Committee may announce that it will conduct a hearing on the allegation(s). If such a hearing is to be conducted:

A. The Ethics Committee shall give the complainant and the accused at least a 21 calendar day notice of the hearing; said notice to be in writing and sent by regular United States mail.

B. The complainant and the accused may be represented by counsel of their own choosing; the Ethics Committee will not provide the parties counsel nor pay for their legal representation.

C. The parties and their counsel, if any, shall have an opportunity to examine all documents and records to be used at a hearing under this section at a reasonable time prior to the date of the hearing.

D. During the hearing the parties shall have the opportunity to present witnesses, confront and cross-examine adverse witnesses, to rebut and offer countervailing evidence, and establish all pertinent facts. The Committee shall not be bound by common law or statutory rules of evidence, and the Committee shall hear all evidence having reasonable probative value, but shall exclude immaterial, irrelevant, and unduly repetitious evidence. Basic rules of relevancy, materiality and probative value shall govern the proceedings. Hearsay evidence will not be permitted when direct evidence is reasonably available. The Committee will not base crucial or essential evidentiary findings on hearsay evidence alone. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record. All evidence, including records and documents, shall be duly offered and made a part of the records. The Chairperson shall rule on any objections and procedural issues. Any member of the Committee and the Corporation Counsel at the direction of the Committee, may ask questions of the witnesses. No party or witness shall be permitted to ask questions of any Committee member during the proceedings, unless specifically authorized by the Chairperson.

E. The burden of proving the allegation(s) shall be on the complainant. Violations of the Ethics Code shall be proven by clear, satisfactory and convincing evidence.

F. The Ethics Committee shall keep a record of the hearing. The Ethics Committee shall have the power to compel the attendance of witnesses and to issue subpoenas. The Committee may go into closed session to deliberate.

G. Within 14 calendar days of the conclusion of the hearing, the Ethics Committee shall complete its written findings of fact, conclusions of law and recommendations, which shall be mailed to the accused and the complainant.

H. If any party does not agree with the decision of the Ethics Committee, they have a right to appeal said decision to the Wood County Board of Supervisors. Such appeal must be made in writing, within 20 calendar days of the decision of the Ethics Committee being mailed to the accused. The County Board shall base its review of the Ethics Committee's determination upon a transcript of the proceedings and all of the evidence of record, as well as the written request of the accused for the review as to why the appeal was requested. Any further appeals shall be to the Wood County Circuit Court.

I. No decision of the Ethics Committee shall be effective until 20 calendar days after the decision is mailed to the accused, or the conclusion of an appeal of the decision, whichever is later.

J. The Ethics Committee shall have the power to compel the attendance of witnesses and to issue subpoenas granted other Boards and Commissions under §885.01(3), Wis. Stats.

K. The Ethics Committee shall have the authority pursuant to Wisconsin Statute s. 19.59(3)(d), to maintain records of its opinions in a closed manner, unavailable to public inspection. The Ethics Committee may make such records public with the consent of the individual requesting the opinion. The Ethics Committee may make public a summary of an advisory opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals and departments involved.

(5) Retribution is prohibited. No County official or employee shall discriminate against any person because they have filed a complaint with the Ethics Committee, or has otherwise participated in the investigation of an alleged violation of the Ethics Code.

900.10 ADVISORY OPINIONS

(1) Any supervisor, official or employee may request of the Ethics Committee an opinion interpreting and applying the Ethics Ordinance. Other citizens of the county may request a supervisor to obtain an advisory opinion. The Ethics Committee may give interpretations that provide if certain conditions are met, that specific actions of the supervisor, official or employee are not in violation of the ordinance.

(2) Consistent with Wis. Stat. s. 19.59(5)(a), the Corporation Counsel may respond to requests for opinions as to the application of the Ethics Ordinance when the delay by waiting for the Ethics Committee itself to convene would cause a substantial inconvenience or detriment to the requesting party.

(3) A request for an advisory opinion shall include all material facts. Requests for advisory opinions to the Ethics Committee shall be in writing.

(4) It shall be prima facie evidence of intent to comply with the Ethics Ordinance when a person seeks an advisory opinion and complies with it. This is only the case if all of the material facts are provided in the request and the opinion.

900 .11 APPLICABILITY.

This code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of the statutory provision is discretionary but determined by the Ethics Committee to be more appropriate or desirable.

900 .12 PENALTY AND SANCTIONS

Any supervisor, official, or employee violating the provisions of this Code of Ethics shall be subject to reprimand, censure, discipline, including discharge, or civil prosecution in a court of record. Any supervisor, official, or employee violating the provisions of this Code of Ethics and convicted in a Court of record shall be indebted and required to pay to the County of Wood a forfeiture of not less than \$25.00 nor more than \$200.00 together with taxable costs.

900 .13 SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, 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.

900 .14 PERSONNEL POLICY, COLLECTIVE BARGAINING AGREEMENTS, AND CIVIL SERVICE ORDINANCE

This Code of Ethics as adopted for County officials and employees is subject to the Wood County Policy Handbook, Collective Bargaining Agreements, and the Civil Service Ordinance.

900 .15 CONFLICTING ORDINANCES

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

900 .16 EFFECTIVE DATE

This ordinance, as amended, is effective upon passage and publication.

**Scrivener's error adjustment. The position of the county board supervisor on the Ethics Committee was inadvertently omitted from the ordinance and was added after adoption upon consultation with Corporation Counsel and County Clerk. That position had been a member of the Ethics Committee in many prior iterations of the Ordinance.