



ETHICS CODE

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INDEX

- Section 1.0 – Declaration of Policy
- Section 2.0 – Purpose
- Section 3.0 – Responsibility of Public Offices
- Section 4.0 – Coverage
- Section 5.0 – Exemptions
- Section 6.0 – Definitions
 - Section 6.1. Person.
 - Section 6.2. Financial Interest.
 - Section 6.3. Anything of Value.
 - Section 6.4. Privileged Information.
 - Section 6.5. Official.
 - Section 6.6. Employee.
 - Section 6.7. Immediate Family.
- Section 7.0 – Fair and Equal Treatment
 - Section 7.1. Use of Public Property.
 - Section 7.2. Obligations to Citizens.
- Section 8.0 – Conflict of Interest
 - Section 8.1. Receipt of Gifts and Gratuities Prohibited.
 - Section 8.2. Exception.
 - Section 8.3. Business Interest.
 - Section 8.4. Employment.
 - Section 8.5. Contracting.
 - Section 8.6. Financial Interest of Legislation.
 - Section 8.7. Disclosure of Privileged Information.
 - Section 8.8. Gifts and Favors.
- Section 9.0. – Compliance with State Statutes
 - Section 9.1. Statutes Incorporated by Reference.
 - Section 9.2. Violation of Incorporated Statutes.
- Section 10.0 – Ethics Board
 - Section 10.1. Creation and Composition of the Board.
- Section 11.0 –Duties of Ethics Board
 - Section 11.1. Rules of the Board.
 - Section 11.2. Advisory Opinions.
 - Section 11.3. Complaints.
 - Section 11.4 Investigation.
 - Section 11.5 Time Limitations.
 - Section 11.6. Hearings.
 - Section 11.7. Right to Representation.
 - Section 11.8. Due Process.
 - Section 11.9. Power to Subpoena.
 - Section 11.10. Vote of the Board.
 - Section 11.11. Recommendations and Evidentiary Standard.
 - Section 11.12. Violations and Penalties.
- Section 12.0 – Applicability

Section 1.0 – Declaration of Policy

The proper operation of county government demands that:

- (1) county officials and employees be independent, impartial, and responsible to the people;
- (2) decisions be made in the proper channels of the county governmental structure;
- (3) county offices should not be used for personal gain;
- (4) county business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a code of ethics and county ethics board to establish ethical guidelines, render confidential opinions regarding what conduct is appropriate and redress violations under this code.

Section 2.0 – 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.

This Code of Ethics is not intended to be an adoption of a criminal code and is not meant to bypass the Wisconsin Statutes, which set forth various items of conduct which are unlawful.

The items covered herein do not require an intention to do wrong, rather they are mere acts in themselves, which in doing, might cast doubt upon the integrity of the party or parties involved.

County officials and employees have a right to:

- (a) engage in employment and professional or business activities, other than official duties, in order to support themselves and their families;
- (b) maintain continuity in their professional or business activities;
- (c) maintain investments or 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 Board of Ethics shall strive to protect to the fullest extent possible the rights of individuals affected.

Section 3.0 – Responsibility of Public Offices

County officials and employees are agents of public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin and Monroe County. Further, they are bound to observe in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

Section 4.0 – Coverage

This code governs all county officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads or other county employees that have management, purchasing and other discretionary duties.

Section 5.0 – Exemptions

Political contributions which are reported under Chapter 11, Wis. Stats., are exempt from the provisions of this code.

Section 6.0 – Definitions

Section 6.1. Person. Any individual, corporation, partnership, joint venture, association or organization.

Section 6.2. Financial Interest. Any interest which yields, directly or indirectly, a monetary or other material benefit to the county officer or employee or to any person employing or retaining services of the county officer or employee.

Section 6.3. Anything of Value. Any money or property, favor, service, payment, advance forbearance, loan, or promise of future employment, but DOES NOT INCLUDE such things as compensation and expenses paid by the state or county, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways, or any other thing which is not likely to influence the judgment of individuals covered by this code.

Section 6.4. Privileged Information. Any written or oral 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, ordinances, resolution or custom as privileged.

Section 6.5. Official. All county department heads or directors, county supervisors, and all other county elected officers, except judges and district attorneys.

Section 6.6. Employee. All persons filling an allocated position of county employment and all members of boards, committees, and commissions except members of the County Ethics Board and those individuals included in Section 6.5.

Section 6.7. Immediate Family. An official's or employee's spouse or family member who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

Section 7.0 – Fair and Equal Treatment

Section 7.1. Use of Public Property. An official or employee shall not use or knowingly permit the use of county services or county-owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal conveniences or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.

Section 7.2. Obligations to Citizens. An official or employee shall not grant any special consideration, treatment, or advantages to any citizen beyond that which is available to every other citizen. This section does not affect the duty of county supervisors to diligently represent their constituency.

Section 8.0 – Conflict of Interest

Section 8.1. Receipt of Gifts and Gratuities Prohibited. An official or employee shall not accept anything of value whether in the form of a gift, service, loan, or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.

Section 8.2. Exception. It is not a conflict of interest for an official or employee to receive a gift of gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

Section 8.3. Business Interest. An official or employee shall not engage in any business, transaction, or act in regard to any financial interest, direct or indirect, which:

- (a) is incompatible with the proper discharge of his or her official duties for the benefit of the public;
- (b) is contrary to the provisions of this code; or
- (c) may impair his or her independence of judgment or action in the performance of his or her official duties.

Section 8.4. Employment. An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

Section 8.5. Contracting. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the county involving a payment or payments of more than \$2,000 amount within a twelve month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the county clerk and reported such interest to the county board. Further, pursuant to s. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with Monroe County involving the receipts or disbursements not more than an amount per s. 946.13, Wis. Stats.

Section 8.6. Financial Interest of Legislation. A member of the county board who has a financial interest in any proposed action before the county board shall disclose the nature and extent of such interest to the county clerk and the county board prior to or during the initial discussion of such action. Any other official or employee who has a financial interest in any proposed action before the county board and who participates in discussion with or gives an official opinion or recommendation to the county board shall first disclose the nature and extent of such interest to the county board.

Section 8.7. Disclosure of Privileged Information. An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

Section 8.8. Gifts and Favors. An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or could reasonably be considered as an incentive for any governmental action or inaction.

Every county public official and employee is encouraged to meet with clubs, conventions, special interest groups, and school groups to discuss and to interpret legislative, administrative, executive or judicial processes and proposals and issues initiated by or affecting a department.

Free meals offered in connection with such gatherings are not in violation of this code and need not be reported.

Section 9.0. – Compliance with State Statutes

Section 9.1. Statutes Incorporated by Reference. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

Sec. 19.01 (Oaths and Bonds)

Sec. 19.21 (Custody and Delivery of Official Property and Records)

Sec. 19.81-19.89 (Open Meeting of Governmental Bodies)

Sec. 19.59 (Codes of Ethics for Local Governmental Officials, Employees and Candidates).

Section 9.2. Violation of Incorporated Statutes. Officials shall comply with the sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a breach of this Code of Ethics.

Section 10.0 – Ethics Board

Section 10.1. Creation and Composition of the Board. Pursuant to Section 19.59, Wis. Stats., there is hereby created an Ethics Board (Board) consisting of three to five members who shall serve without compensation unless the County Board otherwise provides. The members of the Board of Ethics shall be residents of the County, one of which may be a non-voting county board member. However, no voting board member shall be an elected official or employee.

Further, no board member shall be currently serving on any other County Board or Commission. Each member shall be appointed by the County Board Chairman (County Executive or Administrator) and subject to the confirmation of the County Board. Members of the board shall be appointed to staggered three year terms. An alternative shall be selected and shall serve if one of the members of the Board is unavailable. The term of the alternative shall be for three years. The Ethics Board shall elect its own Chairman and Vice Chairman. The County Corporation Counsel shall furnish the Board whatever legal assistance which may be necessary.

Section 11.0 – Duties of Ethics Board

Section 11.1. Rules of the Board. The Ethics Board shall adopt and develop written rules which shall be submitted to the County Board for approval. A copy of the rules shall be filed with the County Clerk.

Section 11.2. Advisory Opinions. Any person governed by this code may apply in writing to the Ethics Board for an advisory opinion and shall be guided by any opinion rendered. The applicant shall

present his or her interpretation of the facts at issue and of the applicability of the provisions of this Code before the advisory opinion is rendered. All opinions shall be in writing and adopted by the Board by resolution. The Board's deliberations and action upon such applications shall be in meetings not open to the public, but notice of such meetings shall be given pursuant to Sec. 19.84, Wis. Stats. Records of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection, as permitted by Chapter 19, Wis. Stats. The Board, however, may make such records public with the consent of the applicant.

Section 11.3. Complaints. The Board shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Board shall forward a copy of the complaint to the accused officer or employee within ten (10) days. If no action on the verified complaint is taken by the Board within sixty (60) days, the complaint shall be dismissed.

Section 11.4 Investigation. Following the receipt of a verified complaint, the Board may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights.

Section 11.5 Time Limitations. The Board shall investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.

Section 11.6. Hearings. If the Board finds that probable cause exists for believing the allegations of the complaint, the Board may issue an order setting a date for a hearing or make a recommendation for enforcement to the District Attorney pursuant to Sec. 19.59, Wis. Stats. If the Board elects to hold a

hearing, the Board shall give the accused at least 20-days' notice of the hearing date. Such hearing shall be conducted in accordance with the contested case hearing requirements of Ch. 227, Wis. Stats., at open session unless the accused petitions for a hearing closed to the public and good cause to close the hearing is shown. A Reserve Court Judge, or if one is not available, a Circuit Court Judge, shall act as the Hearing Examiner.

Section 11.7. Right to Representation. During all stages of an investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation shall be entitled to be represented by counsel of his/her own choosing, at his/her own expense.

Section 11.8. Due Process. The accused or the accused's representative shall have an adequate opportunity to:

- (a) examine all documents and records to be used at the hearing under Section 11.6 at a reasonable time before the date of the hearing as well as during the hearing;
- (b) bring witnesses;
- (c) establish all pertinent facts and circumstances; and
- (d) question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

Section 11.9. Power to Subpoena. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas under Sec. 885.01(3), Wis. Stats.

Section 11.10. Vote of the Board. The affirmative vote of the Board shall be required for any action taken by the Board except action(s) taken by the Board, pursuant to a hearing conducted under Section 11.6, shall require a unanimous vote.

Section 11.11. Recommendations and Evidentiary Standard. Within 30 days after the hearing is concluded, the Hearing Examiner shall render a written decision containing the findings of fact and the conclusions concerning the propriety of the conduct of the officer or employee to the Board. The Board may adopt the Hearing Examiner's recommendation. If the recommendation is that a violation of the Ethics Code has occurred, the Board must be convinced by clear and convincing evidence that such violation occurred.

Section 11.12. Violations and Penalties. If the Board finds that a violation of the ethics code has occurred, the Board may:

- (a) Order the officer or employee to confirm his or her conduct to the Ethics Code and the recommendation of the Hearing Examiner.
- (b) Recommend to the County Board that the official or employee be censured, suspended, or removed from office.
- (c) Subject violators to a civil forfeiture of not more than \$500.00 for each violation or for intentional violators a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation.

Section 12.0 – Applicability

This section shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision. This section is mandatory except in cases where the application of a statute is discretionary, but determined by the Ethics Board to be more appropriate or desirable.