

ORDINANCE NO. 2007-165

**ORDINANCE BY THE EXECUTIVE COMMITTEE TO REPEAL AND RECREATE
CHAPTER TWO ARTICLE VI OF THE RACINE COUNTY CODE OF ORDINANCES,
CODE OF ETHICS**

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of do ordain as follows:

Part 1

Chapter 2 Article VI of the Racine County Code of Ordinances is repealed and recreated as follows:

ARTICLE VI. CODE OF ETHICS*

***State law references:** Code of ethics, W.S.A., § 19.41 et seq.; authority to adopt, W.S.A., § 19.59.

Sec. 2-420. Authority.

This ordinance is enacted under the authority of section 19.59, Wisconsin Statutes.

Sec. 2-421. Declaration of policy.

High moral and ethical standards among county public officials are essential to the conduct of free government. The Board of Supervisors believes that a code of ethics for the guidance of county public officials will help them avoid conflicts between their personal interests and their public responsibilities, improve standards of public service and promote and strengthen the faith and confidence of the people of this county in their county public officials. In recognition of these goals, the county establishes this code of ethics and intends that it apply to county elected officials, appointed employees, and appointed members of boards, commissions, committees and panels, hereinafter collectively referred to as public officials. The purpose of this code is to establish guidelines for ethical standards of conduct to assist public officials in avoiding those acts or actions that are incompatible with the best interests of county government by directing disclosure of private interests in matters affecting the county.

The County Board recognizes that the public officials of the county are drawn from society and, as such, cannot and should not be without all personal and economic interests in the decisions and policies of public government. It further recognizes that citizens who serve as county public officials retain their rights as citizens to interests of a personal and economic nature. The standards of ethical conduct for county public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts that are substantial and material. Public officials may engage in employment, professional, business or investment activities, other than official duties, in order to support themselves or their families, provided they do not conflict with the provisions of this code.

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5 It is intended that this code shall apply to all persons whose functions require the
6 exercise of discretion and judgment. Nothing contained herein is intended to deny to any
7 individual, rights granted by the United States Constitution, the Wisconsin Constitution,
8 and the laws of Wisconsin or by labor agreements negotiated with bargaining
9 representatives. This code will in no way contravene the authority vested in the elected
10 constitutional officers of the county under their respective state statutes. Amendments to
11 this article enacted March 25, 2008 are to apply prospectively.

12
13 **Sec. 2-422. Definitions.**

14 The following words, terms and phrases, when used in this article, shall have the
15 meanings ascribed to them in this section, except where the context clearly indicates a
16 different meaning:

17
18 *Anything of Value* means any money or property, favor, service, payment, advance,
19 forbearance, loan or promise of future employment, including, without restriction by
20 enumeration, tickets, passes, lodging, travel, recreational expenses, and admission offered
21 and provided by persons doing business, or interested in doing business with the county.
22 "Anything of value" does not include compensation and expenses paid by the county;
23 honoraria; political contributions that are reported under Chapter 11, Wis. Stat.; unsolicited
24 promotional advertising of nominal value; hospitality extended for a purpose unrelated to
25 county business by a person other than an organization; and business related seminars,
26 trade shows or other training related activities.

27
28 *Associated* when used with reference to an organization, includes any organization
29 in which an individual or a member of his or her immediate family is a director, officer or
30 trustee or owns or controls, directly or indirectly at least ten (10) percent or greater interest
31 of the outstanding equity.

32
33 *Board* means the ethics board created by this code of ethics.

34
35 *Candidate for County Elective Office* means any individual who files a declaration of
36 candidacy (declaration of intent) and nomination papers or any individual who is nominated
37 for the purpose of appearing on the ballot for election as a county public official through the
38 write-in process, or any individual whose nomination of appointment to county elective
39 office is pending.

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41 *Confidential Information* means written material or oral information related to county
42 government that is not otherwise subject to the open records law and that is designated by
43 statute, ordinance, court decision, lawful order, or custom as confidential.

44
45 *Conflict of Interest* means a public official's action or failure to act in the discharge of
46 his or her official duties that could reasonably be expected to produce or assist in
47 producing a substantial economic or personal benefit for such official, his or her immediate
48 family or an organization with which he or she is associated.

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5 *Financial Interest* means any interest that will yield, directly or indirectly, a monetary
6 or material benefit to the official.

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8 *Gift* means the payment or receipt of anything of value without valuable and
9 sufficient consideration. Substantial means value in excess of one hundred dollars (\$100).

10
11 *Honorarium* means any lodging, transportation, money or other thing with a
12 combined pecuniary value that does not exceed \$100 and that was incurred or received
13 primarily for the benefit of the county for a published work or for the presentation of a talk
14 or participation in a meeting, excluding the value of food or beverage offered coincidentally
15 with a talk or meeting

16
17 *Immediate Family* means a county official's husband, wife or legal dependent for tax
18 purposes.

19
20 *Income* means gross income from whatever source derived as provided under
21 section 61 of the Internal Revenue Code.

22
23 *Official* means any person holding an elective office or appointed by the County
24 Executive or the Board of Supervisors chairperson and approved by the Racine County
25 Board of Supervisors.

26
27 *Organization* refers to all corporations, partnerships, proprietorships, franchises,
28 associations, trusts, and other legal entities regardless of form or tax status, except
29 governments and individual people.

30
31 *Person* means any natural person, corporation, partnership, proprietorship, firm,
32 enterprise, franchise, association or organization, joint venture, trust, or other legal entity
33 recognized as such by the laws of the state.

34
35 *Security* has the meaning given under W.S.A., § 551.02(13)(a), except it does not
36 include certificates of deposit in a bank, savings and loan, credit union or similar
37 association organized under the laws of any state or the federal government.

38
39 *Valuable and Sufficient Consideration* means payment or compensation of an
40 amount equivalent to the actual value of any item or service received. If the actual value
41 cannot be determined, payment or compensation of a reasonable value is acceptable.
42 (Code 1975, § 17.02; Ord. No. 2002-21, pt. 1, 6-25-02)

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5 **Sec. 2-423. Standards of conduct and specific conflicts of interest.**
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7 (a) *Standard.* Public officials are agents of public purpose and hold office for the
8 benefit of the public. They are bound to uphold the Constitution of the United States and
9 the Constitution of the State of Wisconsin and to carry out impartially the laws of the
10 nation, state and county. They must observe, in their official acts, the highest standards of
11 ethics and discharge faithfully the duties of their office, regardless of personal
12 consideration.
13

14 (b) *Economic and Personal Gain.* No public official shall engage in any business
15 or transaction or shall act in regard to economic or personal interest, direct or indirect, in a
16 manner that is incompatible with the proper discharge of his or her official duties or that
17 would tend to impair his or her independence of judgment or action in the performance of
18 his or her official duties. This section is not intended to interfere with public officials having
19 duties or employment in addition to those related to the county, provided those duties or
20 employment do not cause violations of this code of ethics and are disclosed in the annual
21 Statement of Economic Interest.
22

23 (c) *Gifts.* No county public official may solicit or accept from any person, directly or
24 indirectly, anything of value if it could reasonably be expected to influence his or her official
25 action or inaction or could reasonably be considered as a reward or compensation for any
26 official action or inaction on the part of the public official. This provision does not prohibit a
27 public official from accepting complimentary tickets or invitations to dinners and similar
28 functions when invited in his or her official capacity.
29

30 (d) *Contracts.* No county public official shall, negotiate, bid or knowingly
31 participate in the making of a contract, lease or any procurement involving county funds, in
32 which he or she has a private financial interest, unless the public official has first made
33 written disclosure of the nature and extent of such interest to the County Clerk and the
34 transaction has been reported to and approved by the Finance and Human Resources
35 Committee. Any contract or lease entered into in violation of this subsection may be voided
36 by the county. All relevant competitive bidding requirements set out in Chapter 7 of the
37 Racine County Code of Ordinances shall also be conditions precedent to a valid contract
38 or lease under this subsection. This provision intends to comply with and in no way
39 contradicts the guidelines set out in sec. 946.13, Wis. Stat.
40

41 (e) *Incompatible Employment.* No public official shall engage in or accept private
42 employment or render service for private interest when such employment or service is in
43 conflict with the proper discharge of his or her official duties or would tend to impair his or
44 her independence of judgment or action in the performance of his or her official duties
45 unless otherwise permitted by law. This subsection does not otherwise prohibit a public
46 official from engaging in outside employment or investment.
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5 (f) *Use and Disclosure of Confidential Information.* No public official shall
6 knowingly use confidential information for actual or anticipated personal gain or for the
7 actual or anticipated gain of any other person. Nor shall a public official, without proper
8 legal authorization, disclose confidential information gathered in the course of public
9 employment to an unauthorized person.

10
11 (g) *Unfair Persuasion.* No public official may use or attempt to use his or her public
12 position to influence or gain unlawful benefits, advantages, or privileges for himself or
13 herself or others.

14
15 (h) *Use of Public Property or Services.* No public official shall request to use or
16 knowingly permit the use of county property or services for non-authorized
17 nongovernmental purposes or for personal profit, except when such services or property
18 are available to the general public.

19
20 (i) *Issuance of Permits.* No public official empowered to issue a discretionary
21 permit pursuant to either state or local laws or regulations shall issue any such permit to
22 himself or herself or to any member of that public official's immediate family without first
23 revealing in writing the request for such permit to that person's immediate supervisor or to
24 the County Board committee that regulates the subject of such permit.

25
26 (j) *Financial Interest In Legislation.* A public official who has a private financial
27 interest in any proposed action before the County Board shall disclose the nature and
28 extent of such interest to the County Clerk and the County Board prior to or during the
29 formal consideration of such action. When a matter in which a public official should not
30 participate comes before a board, commission, or other body of which the public official is
31 a member, he or she should leave that portion of the body's meeting involving discussion,
32 deliberations, or votes related to that matter and ask that the body's minutes reflect his or
33 her absence. The body's remaining members may review the matter and take whatever
34 action they find appropriate.

35
36 (k) *Political Activity.*

37
38 (1) Public officials may engage in political activity provided that such activity
39 does not interfere with the performance of their duties and does not involve
40 the use of County equipment or property. Public officials are specifically
41 prohibited from directly or indirectly coercing any person to withhold or
42 contribute monetary or other types of assistance to any political candidate,
43 party or purpose.

44
45 (l) *Post-employment.*

- 4
- 5 (1) No former county public official, for twelve (12) months following the date on
6 which he or she ceases to be a county public official, may, for compensation,
7 on behalf of any person other than a governmental entity, make any formal or
8 informal appearance before or try to settle or arrange a matter by calling,
9 writing, or conferring with, any officer or employee of the department with
10 which he or she was associated as a county public official.
- 11
- 12 (2) No former county public official, for twelve (12) months following the date on
13 which he or she ceases to be a county public official, may for compensation
14 on behalf of any person other than a governmental entity, make any formal or
15 informal appearance before, or try to settle or arrange a matter by calling,
16 writing, or conferring with, any officer or employee of a department in
17 connection with any judicial or quasi-judicial proceeding, application,
18 contract, claim, or charge which might give rise to a judicial or quasi-judicial
19 proceeding in which the former county public official participated personally
20 and substantially in his or her former official capacity.
- 21
- 22 (3) The ethics board may accept and review written requests by former county
23 public officials to be exempt from the prohibitions of subsection (L). Such
24 exemption must be in a written ethics board opinion stating the reason(s) that
25 the former public official should be exempt from the otherwise prohibited
26 conduct.

27

28 **Sec. 424. Action Upon Conflict of Interest or Potential Conflict of Interest.**

29

30 (a) Any elected county public official who, in the discharge of his or her official
31 duties, is involved in or is about to be involved in any matter that could result in a breach of
32 this code on his or her part, shall prepare a written statement describing such matter and
33 the nature of the possible breach. This statement shall be delivered to the County Clerk for
34 transmittal to the ethics board for the ethics board review and recommendation. However,
35 in the case of department heads or others appointed by the County Executive, the written
36 statement shall be delivered the County Clerk and to the County Executive. The county
37 public official is to withdraw from any further participation in the matter and any related
38 activity that is the subject of or may cause the potential breach unless corrective action is
39 taken or until final disposition by the ethics board.

40

41 (b) Non-county government employment that may be related to the public official's
42 county duties and membership in social, political, fraternal, charitable, or religious
43 organizations is not prohibited. However, it is the responsibility of the public official to
44 ensure that such other employment or membership does not conflict or interfere with the
45 complete and proper discharge of his or her duties for the county. Any such other
46 employment or membership that could potentially lead to a conflict situation should be
47 presented in writing to the ethics board and in the case of department heads, also to the
48 County Executive.

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5 (c) It is evidence sufficient to establish a fact of intent to comply with the code of
6 ethics when a county public official reports a potential breach of the code to the ethics
7 board and then complies with any written recommendation of the board.

8
9 (d) A county public official may request of the ethics board an advisory opinion on
10 the application of this chapter to a given set of factual or hypothetical circumstances, or the
11 board may render such an opinion on its own motion. Assistance in preparing the solicited
12 opinion may come from either the corporation counsel or retained counsel.

13
14 (e) Neither the County Clerk, nor member of the board or staff assigned to the
15 board may make public the identity of the individual requesting an advisory opinion or of
16 any individual or organization referred to in the opinion.

17
18 **Sec. 2-425. Financial disclosure.**

19
20 (a) *Officials.* The following county public officials shall file with the County Clerk a
21 statement of economic interest meeting each of the requirements of section 2-426 during
22 the month of December of each year: any person holding a county elective office and any
23 person who is a county department head appointed by the County Executive. The County
24 Clerk shall mail the statement of economic interest form to county officials who are
25 required to file a statement of economic interest on or about December first of each year.
26 The clerk shall also include a notice to complete and return the form by the January 1st. All
27 officials who receive the form and notice shall complete and return the form by January 1st.

28
29 (b) *Candidates.* A candidate for county elective office shall file with the County
30 Clerk, a statement of economic interest which meets the requirements of section 2-426 no
31 later than 5:00 p.m. on the third business day following the deadline for filing nomination
32 papers for the office which the candidate seeks. The County Clerk shall provide the
33 candidate with the statement form at the time he/she files the nomination papers.
34 (Code 1975, § 17.06; Ord. No. 2002-21, § pt. 2, 6-25-02)

35
36 **Sec. 2-426. Economic interest statement.**

37
38 (a) *Form and content.* Every statement of economic interest form required to be filed
39 under this Code may be obtained from the County Clerk, shall be in the form prescribed at
40 the end of this article and shall contain the following information applicable as of the 15th
41 day of the month preceding the month in which the statement is filed:

- 42
43 (1) *Business ownership.* The identity of every business organization with which the
44 official or his immediate family is associated and the nature of his association.
45
46 (2) *Securities.* The identity of every organization in which the official or immediate
47 family own, directly or indirectly, securities which amount to a more than five (5)
48 percent ownership or control of the organization.

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5 (3) *Debts.* The name of any creditor to whom the official or his immediate family
6 owes five thousand dollars (\$5,000.00) or more.
7

8 (4) *Real property.* The real property located in this state (other than the principal
9 residence) in which the official or his immediate family holds an interest of ten
10 (10) percent or more or is greater than an equity value of \$5,000 and the nature
11 of the interest held.
12

13 (5) *Income.* The identity of each source from which the official or his immediate
14 family received one thousand dollars (\$1,000.00) or more of his income for the
15 preceding taxable year. If the official who is required to file or a member of his
16 or her immediate family received \$1,000 or more of his/her income for the
17 preceding taxable year from any business entity formed under Chapter 180,
18 Wisconsin Statutes that they have a 10% or greater interest or from a sole
19 proprietorship that was reported on that year's income tax return, the official
20 need only identify the general nature of said business. In addition, no
21 identification need be made of payers from which dividends or interest is
22 received.
23

24 (6) *Gifts.* The identity of each person from which the individual received any gift
25 worth more than one hundred dollars (\$100.00) within the preceding taxable
26 year. However, a gift need not be identified from a parent, grandparent, child,
27 grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law,
28 sister-in-law, uncle, aunt, niece, nephew, spouse, fiancé, fiancée.
29

30 (b) *Reporting amounts.* Whenever a dollar amount is required to be reported
31 pursuant to this section, it is sufficient to report whether the amount is less than fifty
32 thousand dollars (\$50,000.00) or more than fifty thousand dollars (\$50,000.00).
33

34 (c) *Retention of statements.* The County Clerk shall preserve the statements of
35 economic interest filed with it for a period of six (6) years from the date of receipt in any
36 form as will facilitate document retention, except that:
37

38 (1) *Public Officials.* Upon the expiration of three (3) years after the individual ceases
39 to be a county public official, the County Clerk shall, unless the former county
40 public official otherwise requests, destroy any statement of economic interest,
41 including all copies, filed by him/her.
42

43 (2) *Candidates.* Upon the expiration of three (3) years after any election at which a
44 candidate for county public office was not elected, the County Clerk shall destroy
45 any statement of economic interest, including all copies, filed by him, unless the
46 individual continues to hold another position for which he is required to file a
47 statement, or unless the individual otherwise requests.
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5 (d) *Index.* The County Clerk shall compile and maintain an index to all statements of
6 economic interest to facilitate public access to such statements of economic interest.
7

8 (e) *Public inspection.* The County Clerk shall make statements of economic interest
9 available for public inspection and copying during regular office hours at a charge that is
10 usual and customary for the County Clerk. County Clerk shall make statements available
11 upon request to the auditor retained by the County to perform the annual audit.
12

13 (f) *Official's right to be informed.* The County Clerk shall report, in writing, the full
14 name and address of any individual and the individual's attorney, if applicable, who copies
15 or inspects a statement of economic interest to the individual who filed it as soon as
16 possible. This notice applies for all inspections with the exception of the request made by
17 the auditor retained by the County to perform the annual audit.
18 (Code 1975, § 17.07)

19
20 **Sec. 2-427. Penalties for failure to timely file economic interests.**
21

22 (a) *Candidates.* The County Clerk shall omit the name of any candidate from an
23 election ballot who has not timely filed his/her statement of economic interest with the
24 County Clerk in accordance with this article.
25

26 (b) *Officials.* The County Treasurer shall withhold the salary and compensation of
27 any kind from any county official who is required to file a statement of economic interest
28 and who fails to file in accordance with the requirements of this article. Officials are also
29 subject to penalties under section 2-432. Salary and expenses so withheld shall be paid
30 over to the affected official or employee upon compliance with this ordinance.
31

32 (c) *Notice.* Any official or employee or candidate subject to a penalty under
33 subsections (a) or (b) of this section shall first be given a notice by the County Clerk that
34 the required filing has not been made. Such notice shall be sent by certified mail, return
35 receipt requested, to the violator's last known address and shall allow the official or
36 employee, within the thirty (30) day period from date of receipt, an opportunity to meet the
37 requirements of this ordinance without penalty. However, candidates will not be included
38 on the ballot during the period allowed to correct or comply with the filing, until the
39 statement is properly filed.
40

41 **Sec. 2-428. Ethics board.**
42

43 (a) *Created.* There shall be created an ethics board to consist of seven (7)
44 members and one (1) alternate. All members and the alternate member shall be residents
45 of the county and shall not be county public officials during the time of their appointment.
46 The members are vested with the administration and civil enforcement of this article. The
47 board may issue subpoenas, administer oaths and investigate any violation of this article
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5 on its own motion or upon complaint by any person. The Office of Corporation Counsel
6 shall provide legal advice, clerical service and assistance to the board.
7

8 (b) *Composition, appointment of members.* Four members shall be appointed by
9 the County Executive and three members and the alternate member shall be appointed by
10 the County Board Chair. All appointments to the ethics board shall be approved by the
11 Board of Supervisors. The members shall be compensated for all necessary expenses
12 incurred in performing their duties as members of the ethics board.
13

14 (c) *Quorum.* A quorum of the ethics board shall be five (5) members. A majority
15 vote of the members of the board appointed shall be required for any affirmative action
16 taken or determination made by the board.
17

18 (d) *Terms of office.* The terms of office shall be for three (3) years, except that
19 when the board is reconfigured and new appointments are made, two (2) members shall
20 be appointed for one (1) year and two (2) for two (2) years and three (3) members for three
21 (3) years. The alternate shall serve on the board when one (1) of the members of the
22 board is unavailable and the alternate's term shall be three (3) years. A chairman of the
23 ethics board shall be elected at the inaugural meeting and annually thereafter by the
24 members of the board. In the event that a member of the board does not serve his/her full
25 term, a new member will be appointed in the same manner and shall serve the balance of
26 the term.
27

28 (e) *Violation of article.* If a member of the ethics board is charged with violating this
29 article, he/she shall abstain from all action related to the charge. The alternate member
30 shall serve in place of the abstained member.
31

32 (f) *Statements of economic interest to be filed.* All members and employees of the
33 board shall file statements of economic interest with the County Clerk pursuant to section
34 2-426.
35

36 (g) *Forms to be made available.* Under direction of the board, the County Clerk
37 shall prescribe and make available forms for use under this chapter, other than the
38 statement of economic interest form prescribed by this article.
39

40 **Sec. 2-429. Complaints.**
41

42 (a) *Procedure.* The ethics board shall act upon the alleged violations of this article
43 according to the following procedures and any others that the board may adopt:
44

45 (1) *Official request.* Any county public official may request the board to
46 investigate his/her own conduct or allegations made by others regarding his
47 or her conduct. Such a request shall be detailed in writing and shall set forth the
48 particulars thereof.

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5 (2) *Filing.* The ethics board shall accept from any identified person a verified
6 complaint in writing that states the name of the public official alleged to have
7 committed a violation of this code of ethics and that shall set forth the specifics
8 thereof.

9
10 (3) *Limitation of action.* No action may be taken on any complaint filed later
11 than three (3) years after an alleged violation of this article.

12
13 (4) *Board action.* The board shall, within ten (10) days of the filing of a complaint
14 under subsection (a)(2) of this section, forward a copy of the complaint to the
15 accused public official and the corporation counsel.

16
17 a. If the board determines that the verified complaint does not allege facts
18 sufficient to constitute a violation of the code of ethics, it shall dismiss the
19 complaint and notify the complainant and the accused. If the board
20 determines that the verified complaint was frivolous, the board shall so state.

21
22 b. If the board determines that the verified complaint alleges facts that provide a
23 reasonable basis to constitute a violation of the code of ethics or that an
24 investigation of a possible violation is warranted, it may make an
25 investigation with respect to any alleged violation after notifying the accused
26 public official in writing. Such notice shall state the nature and purpose of the
27 investigation and the actions or activities to be investigated and the public
28 official's due process rights.

29
30 **Sec. 2-430. Investigations.**

31
32 Pursuant to any investigation or hearing conducted under this article, the board has
33 the authority:

34
35 (a) To require any person to submit in writing such reports and answers to
36 questions relevant to the proceedings conducted under this article as the board may
37 prescribe, such submission to be made within such period and under oath or otherwise as
38 the board may determine.

39
40 (b) To administer oaths and to require by subpoena issued by it the attendance and
41 testimony of witnesses and the production of any documentary evidence relating to the
42 investigation or hearing being conducted. Issuance of a subpoena requires action by the
43 board in accordance with sec. 2-428(c).

44
45 (c) To order testimony to be taken by deposition before any individual who is
46 designated by the board and has the power to administer oaths, and, in such instances, to
47 compel testimony and the production of evidence in the same manner as authorized by
48 sub. b above.

5
6 (d) To pay witnesses the same fees and mileage as are paid in like circumstances
7 by the courts of this state.
8

9 (e) To request and obtain from the Department of Revenue copies of state income
10 tax returns and access to other appropriate information under sec. 71.78(4), Wis. Stat.;
11 regarding all persons who are the subject of such investigation.
12

13 (f) To retain outside counsel and other experts as needed after solicitation of
14 recommendations from the Office of Corporation Counsel and upon such contract for
15 services approved for content and form by the corporation counsel.
16

17 **Sec. 2-431. Procedure When Probable Cause Exists**
18

19 (a) If after investigation the board finds that probable cause exists for believing the
20 allegation of the complaint, then not later than thirty (30) business days after such finding
21 is made the board shall announce that it will conduct a hearing. The board shall give the
22 complainant and the accused at least twenty (20) business days notice of the hearing date.
23 The board may designate Corporation Counsel or outside counsel to act as prosecutor of
24 the complaint. Pursuant to §19.85, Wis. Stat., the hearing shall be closed to the public
25 unless the accused requests that it be opened.
26

27 (b) The rules of civil procedure shall apply to such hearings.
28

29 (c) All evidence, including certified copies of records and documents which the
30 board considers, shall be fully offered and made part of the record of the case. The
31 evidence presented shall be limited to the scope of the charge made in the complaint. The
32 board shall not be bound by the rules of evidence for trial, but it shall admit all evidence
33 having reasonable probative value so long as it relates to the scope of the charges(s)
34 made in the complaint and shall exclude immaterial, irrelevant or unduly repetitious
35 testimony.
36

37 (d) Every party shall be offered, during all stages of any investigation or proceeding
38 conducted under this code of ethics, adequate opportunity to rebut or offer countervailing
39 evidence.
40

41 (e) The accused or his or her representative shall have an adequate opportunity to
42 examine all documents and records to be used at a hearing under this section at a
43 reasonable time prior to the date of the hearing.
44

45 (f) During the hearing the parties shall have the opportunity to present witnesses,
46 confront and cross-examine adverse witnesses, and establish all pertinent facts.
47
48

6 (g) The burden of proving the violation(s) alleged in the complaint shall be on the
7 complainant. Violations shall be proved by evidence that is clear, satisfactory and
8 convincing.
9

10 (h) All proceedings held before the board involving an alleged violation of this
11 article shall be reported by either a certified court reporter or an electronic recording
12 device, meaning a verbatim record shall be made and kept.
13

14 (i) The board shall have the power to compel the attendance of witnesses and to
15 issue subpoenas as granted to other boards and commissions under sec. 885.01(3), Wis.
16 Stat.
17

18 **Sec. 2-432. Findings of fact and conclusions of law; orders and recommendations;
19 penalties.**
20

21 (a) Within five (5) business days of the conclusion of the hearing, the board shall
22 file its written findings and recommendations signed by all participating board members,
23 together with findings of fact and conclusions of law concerning the propriety of the
24 conduct of the public official. If the board determines that no violation of the code of ethics
25 has occurred, it shall dismiss the complaint, and if requested to do so by the accused,
26 issue a public statement.
27

28 (b) If after investigation and hearing, the ethics board determines that a violation of
29 this chapter has occurred, its findings of fact and conclusion may contain one (1) or more
30 of the following orders or recommendations:
31

32 (1) *Supervisors.* If the person found to have violated this article is an elected
33 member of the Board of Supervisors, the board shall refer the matter to the
34 Board of Supervisors for whatever action the Board of Supervisors deems
35 appropriate under law. Pursuant to W.S.A., § 17.09, the Supervisor may be
36 removed by the Board of Supervisors by a vote of two-thirds (2/3) of the
37 members elected to the Board of Supervisors.
38

39 (2) *Other elected officials.* If the person found to have violated this article is an
40 elected county official other than a member of the Board of Supervisors, the
41 matter may be referred to the official or body with the authority to remove the
42 official from office as provided in this Code or the state statutes. If none is
43 designated by the Code or the state statutes, then the matter shall be
44 referred to the Board of Supervisors.
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- 4 (3) *Appointed officials.* If the person found to have violated this article is an
5 appointed county official, the matter shall be referred to the official or body
6 with the authority to remove the official from office as provided in this Code or
7 the state statutes. If none is designated by the Code or the state statutes,
8 then the matter shall be referred to the official or body who appointed the
9 official to office.
- 10
- 11 (4) *Board recommendations.* The official or body to whom the decision of the
12 ethics board is referred shall be guided by the recommendations of the ethics
13 board but shall not be obliged to follow it.
- 14
- 15 (5) *Other penalties.* The above specifically enumerated penalties and sanctions
16 shall not be construed to limit the authority of the ethics board or the county
17 from imposing any additional penalties or sanctions. Any person found by the
18 ethics board to have violated any portion of this article shall be subject to
19 private reprimand, public reprimand, denial of salary or merit increase,
20 suspension without pay, removal from employment or office in accordance
21 with the provisions of the state statutes or other disciplinary actions pursuant
22 to the recommendations of the ethics board and judgment of the official or
23 body to whom the decision of the ethics board is referred under this section.
24 Any action taken by a public official in violation of this code may be deemed
25 void.
- 26
- 27 (6) *Modify Behavior.* An order requiring the accused to conform his/her conduct
28 to this article.
- 29
- 30 (7) *Fine.* An order requiring individuals who have been found to have violated
31 the code of ethics to forfeit an amount not less than one hundred dollars
32 (\$100.00) nor more than one thousand dollars (\$1,000.00) for each violation
33 of this chapter. The Office of Corporation Counsel, when requested by the
34 board, shall institute proceedings to recover any forfeiture incurred under this
35 article that has not been paid by the individual against whom it was
36 assessed.
- 37
- 38 (8) *Miscellaneous.* Any other recommendations or orders as may be necessary
39 and appropriate to carry out the intent and purpose of this article.
- 40

41 **Sec. 2-433. Appeals Process.**

42

43 (a) The accused public official shall have the right to a rehearing with the ethics
44 board upon the service of a decision by the ethics board to the accused public official, and
45 provided a request for rehearing is filed with the board within ten (10) business days of
46 service. Only one (1) rehearing shall be granted by the board for each case. An application
47 for rehearing is governed by such general rules as the board may establish. The rehearing
48 will be done in closed session pursuant to sec. 19.85, Wis. Stat. within thirty (30) business

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4
5 days of the ethics board receiving the application for rehearing. The accused and the
6 complainant will have a minimum of ten (10) business days notice prior to the hearing
7 date. Both parties shall have the opportunity to present arguments to the ethics board. The
8 rehearing shall become a matter of record.

9
10 **Sec. 2-434. Standards of conduct statement.**

11
12 All county officials shall file with the County Clerk a standards of conduct statement
13 meeting the requirements of section 2-435 prior to assuming their duties. All county
14 officials who are required to file a statement of economic interest pursuant to section 2-
15 426(a) shall file a standards of conduct statement with the County Clerk on an annual
16 basis at the same time as they file the statement of economic interest.
17 (Ord. No. 2002-58S, pt. 1, 7-23-02)

18
19 **Sec. 2-435. Contents.**

20
21 The standards of conduct statement shall contain in summary fashion the provisions
22 of sections 2-421, 2-426 and 2-427 of this Code as well as W.S.A. § 19.59. The
23 corporation counsel shall prepare said form which will be approved by the County Clerk
24 who shall distribute forms to new appointees and shall retain said forms in the County
25 Clerk's office.
26 (Ord. No. 2002-58S, pt. 1, 7-23-02)

27
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29
30 Respectfully submitted,

31 **EXECUTIVE COMMITTEE**

32 1st Reading _____

33
34 2nd Reading _____

Michael J. Miklasevich, Chairman

35
36 **BOARD ACTION**

37 Adopted _____

38 For _____

39 Against _____

40 Absent _____

Robert N. Miller, Vice-Chairman

Peter L. Hansen, Secretary

41
42 VOTE REQUIRED: Majority

43
44 Prepared by:
45 Corporation Counsel

Gilbert Bakke

Russell A. Clark

Mark M. Gleason

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Jeff Halbach

John A. Wisch

Kenneth Lumpkin

Pamela Zenner-Richards