

TITLE 3



Code of Ethics

Chapter 1

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Sec. 3-1-1 Declaration of Policy.

To ensure that the public can have complete confidence in the integrity of Columbia County Government, each elected official and employee shall respect and adhere to the fundamental principals of ethical service. The proper operation of county government demands that:

- (a) Columbia County officials and employees be independent, impartial and responsible to the people;
- (b) Decisions be made in the proper channels of the county governmental structure;
- (c) County offices should not be used for personal gain;
- (d) 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.

Sec. 3-1-2 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 interests 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 are appointed to 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 and those conflicts which are substantial and material. 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.

Sec. 3-1-3 Responsibility of Public Office.

County officials and employees are agents of public purpose and hold office to serve the 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 the Ordinances of Columbia 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.

Sec. 3-1-4 Coverage.

This Code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and other County employees.

Sec. 3-1-5 Exemptions.

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

Sec. 3-1-6 Definitions.

- (a) Person: Any individual, corporation, partnership, joint venture, association or organization.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Official: All County department heads or directors, County supervisors, and all other County elected and appointed officers, except judges and district attorneys.
- (f) Employee: All persons filling an allocated position of County employment and all members of boards, committees, and commissions.
- (g) Immediate Family: An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

Sec. 3-1-7 Fair and Equal Treatment.

- (a) Use of County Property: An official or employee shall not use, or knowingly permit the use of County services or County-owned property, vehicles, equipment, or materials for non-governmental purposes or for personal convenience, gain, or for profit of the public official, employee, or members of their immediate family.
- (b) Obligations to Citizens: An official or employee shall not grant any special consideration, treatment or advantage 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.

Sec. 3-1-8 Conflicts of Interest.

- (a) 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.
- (b) Exception: It is not a conflict of interest for an official or employee to receive a gift or 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. For the purposes of this Code, “insignificant value” shall be defined as a maximum of Ten Dollars (\$10.00).
- (c) Business Interest: An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
 - (1) is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (2) is contrary to the provisions of this Code; or
 - (3) may impair his or her independence of judgment or action in the performance of his or her official duties.
- (d) 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. An employee shall obtain prior written approval from the Corporation Counsel, or in the case of a Department Head, from the County Board Chair, before engaging in outside employment.
- (e) 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 \$1,000 within a twelve (12) month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the Corporation Counsel and reported such interest to the County Board Chair.
 - (1) Contractors and Vendors. Contractors and Vendors are required to disclose personal interests that may be created with any County official or employee.
 - (2) Employees. No official or employee may participate in the selection, award, or administration of contracts, agreements, or any similar business relationship with the County in which that person has an actual or apparent conflict of interest.

- (f) Annual Conflict of Interest Disclosure Statement: All County Elected Officials, Department Heads, Managers and Staff who have responsibility over contracts or purchasing shall be required to complete an Annual Conflict of Interest Disclosure Statement on a form provided by the County and shall file that Statement in the Corporation Counsel's Office by January 1 of each year.

Sec. 3-1-9 Financial Interest in 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 Corporation Counsel and the County Board Chair prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the County Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. 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 Chair.

Sec. 3-1-10 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.

Sec. 3-1-11 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 is provided to such official or employee because of their position or office and could reasonably be considered as a reward for any governmental action or inaction.

Sec. 3-1-12 Kickbacks Prohibited.

It is prohibited for any payment, gift, or gratuity to be made to a County official or employee, by or on behalf of, a potential vendor, contractor, or subcontractor, as an inducement for selection.

Sec. 3-1-13 Nepotism.

- (a) Department Heads are prohibited from hiring a person related to them for County employment.
- (b) No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be directly supervising or receiving direct supervision from a related person.
- (c) "Related person" shall mean spouse, parents, children, siblings, uncle, aunt, nephew, niece, grandparents, grandchildren, father-in-law, mother-in-law, stepchildren, stepparents and any person sharing the employee's residence.

Sec. 3-1-14 State Statutes Incorporated.

- (a) 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:
 - §19.01 (Oaths and Bonds)
 - §19.21 (Custody and Delivery of Official Property and Records)
 - §19.81-§19.98 (Open Meetings of Governmental Bodies)
 - §19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).
 - §946.10-946.18 (Bribery and Misconduct).
- (b) 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 violation of this Code.

Sec. 3-1-15 Disclosure to Federal Government.

Under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 100.113, any violations of law, fraud, or bribery in any Federally funded grant program shall be reported to the Federal grantor agency or pass through entity. Failure to report such violations could result in remedies against the County including suspension and debarment.

Sec. 3-1-16 Investigations and Enforcement.

- (a) Advisory Opinions: Any person governed by this Code may apply in writing to the Corporation Counsel 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 provisions of this Code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Chapter 19, Wis. Stats. However, such records may be made public with the consent of the applicant.
- (b) Complaints: The Corporation Counsel 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 Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the County Board Chair, within ten (10) business days.
- (c) Preliminary Investigations: Following the receipt of a verified complaint, the Corporation Counsel 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. If the Corporation Counsel finds probable cause to believe the allegations contained in the complaint, then the Corporation Counsel shall recommend that the County Board Chair refer the complaint to hearing pursuant to 3-1-16(e) below before the Ethics Inquiry Board. If probable cause is not found, then the complaint shall be dismissed.

- (d) Time Limitations: The Corporation Counsel may investigate any complaint properly filed under this Code. However, no action may be taken on any complaint that is filed more than one (1) year after a violation of this Code is alleged to have occurred.
- (e) Ethics Inquiry Board: After a finding of probable cause to believe the allegations contained in a complaint, an Ethics Inquiry Board consisting of three (3) members shall be appointed by the County Board Chair with the approval of the County Executive Committee. The members of the Ethics Inquiry Board shall be residents of Columbia County and shall not be County Public Officials during the time of appointment. The Corporation Counsel shall provide legal advice, administrative services and assistance to the Ethics Inquiry Board. The Ethics Inquiry Board shall be entitled to mileage and per diem payments for its meetings and hearings on the same basis as is provided to other Columbia County Boards, Committees or Commissions.
 - (1) Powers and Duties: The Ethics Inquiry Board shall conduct a fact finding hearing pursuant to subparagraph 3-1-16(e)(3) below, in any case where the Corporation Counsel has found that probable cause exists to believe the allegations of a complaint referred to the Ethics Inquiry Board after preliminary review pursuant to subparagraph 3-1-16(b) through (d) above.
 - (2) Burden of Proof: The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
 - (3) Hearing: The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Board. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under Section 885.01 Wisconsin Statutes.
 - (a) Within ten (10) business days of the conclusion of the hearing, the Ethics Inquiry Board shall issue its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Board determines that no violation of this Code has occurred, it shall dismiss the complaint.
 - (b) No recommendation of the Board becomes effective until twenty (20) business days after it is issued, or while an application for rehearing or rehearing before the Board is pending, or the Board has announced its final determination on rehearing.
 - (4) Enforcement and Penalties: If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists to believe the allegations of the complaint, then the Board shall refer its findings and recommendation to the Executive Committee. The Executive Committee may:
 - (a) Order the officer or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee, may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.
 - (b) The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of §19.59, Wis. Stats.

- (5) Discharge of Ethics Inquiry Board Following Final Determination: The County Board Chair shall discharge the members of the Ethics Inquiry Board following the Board's final determination on a complaint made under this Code.