

**Motion:**  
 1<sup>st</sup> Kolzow  
 2<sup>nd</sup> Harwick  
 No: 2 Yes: 1  
 Absent: 26

Adopted:   
 Lost:   
 Tabled:

Number of votes required:  
 Majority  Two-thirds

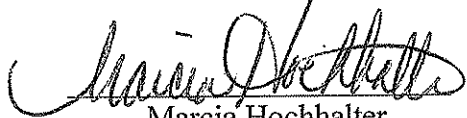

Reviewed by: LABB  
 Corp Counsel

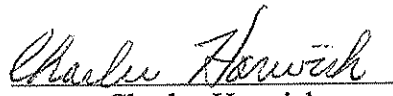
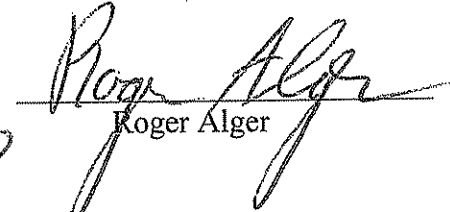
**ORDINANCE # 201-S-11  
 CREATING CODE OF ETHICS ORDINANCE**

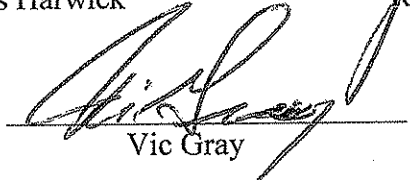
1. WHEREAS, the Clark County Office of Personnel has decided to
2. draft an ordinance regarding a Code of Ethics for Public Officials
3. and Employees as authorized under Chapter 19 Wis. Stats.; and
- 4.
5. WHEREAS, the Personnel Committee has reviewed, and is
6. recommending this ordinance.
- 7.
8. NOW THEREFORE BE IT ORDAINED by the Clark County Board
9. of Supervisors, that Ordinance 201-S-11, Creating Code of Ethics
10. Ordinance, be created as attached:

Clark Co Board Roll Call Vote	Y E S	N O	A
1 Hochhalter	X		
2 Leichtman	X		
3 Schindler	X		
4 Kallberg	X		
5 Renderman	X		
6 Waichulis	X		
7 <del>Klapotnik</del> <u>Klapotnik</u>	X		
8 Kodl	X		
9 Holtzhausen	X		
10 Koizow	X		
11 Jalling	X		
12 Mathison	X		
13 Bower	X		
14 Gray	X		
15 Rahm	X		
16 Hendrickson	X		
17 Rueth	X		
18 Parker			X
19 Haselow	X		
20 <del>Dahl</del> <u>Dahl</u>	X		
21 Rollins	X		
22 Kunze	X		
23 Boon		X	
24 Kirn	X		
25 Fitzmaurice	X		
26 Bakker	X		
27 Garbisch	X		
28 Harwick	X		
29 Wesenberg		X	

**PERSONNEL COMMITTEE**

  
 Marcia Hochhalter
   
 Al Bower


  
 Charles Harwick
   
 Roger Alger

  
 Vic Gray

**FINANCIAL IMPACT STATEMENT:**  
 (Current year)

Projected new positions: none  
 Anticipated revenues: none  
 Wages & Benefits: none  
 All other costs: none  
 Space requirements: none

I, Christina M. Jensen,  
 Clerk for the County of Clark,  
 hereby certify that this  
 Ordinance was adopted by the  
 Board of Supervisors at the  
 meeting held October 3, 2011.

  
 Christina M. Jensen  
 Clark County Clerk,  
 Neillsville, WI 54456

SEAL

**Clark County  
CODE OF ETHICS  
ORDINANCE #  
TABLE OF CONTENTS**

2.01 Declaration of Policy .....	2
2.02 Purpose .....	2
2.03 Responsibility of Public Office .....	2
2.04 Coverage .....	3
2.05 Exemptions.....	3
2.06 Definitions .....	3
2.07 Fair and Equal Treatment.....	4
2.08 Conflicts of Interest.....	4
2.10 Financial Interest in Legislation .....	8
2.11 Disclosure of Privileged Information .....	8
2.12 Political Activity .....	8
2.13 State Statutes Incorporated .....	9
2.14 Investigations and Enforcement.....	9

## **2.01 Declaration of Policy (Wi. Stats. § 19.41 (1)).**

To ensure that the public can have complete confidence in the integrity of Clark 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:

- (1) Clark 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.

## **2.02 Purpose (Wi. Stats. § 19.41(2)).**

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 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.

## **2.03 Responsibility of Public Office (Wi. Stats. § 19.01).**

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 Clark 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's interest must be their primary concern.

## **2.04 Coverage (Wi. Stats. § 19.41 and 946.18).**

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.

## **2.05 Exemptions.**

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

## **2.06 Definitions (Wi. Stats. § 19.42).**

- (1) Person: Any individual, corporation, partnership, joint venture, association or organization.
- (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.
- (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.
- (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.
- (5) Official: All county department heads or directors, County supervisors, and all other County elected officers, except judges and district attorneys.
- (6) Employee: All persons filling an allocated position of County employment and all members of boards, committees, and commissions.
- (7) 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.
- (8) Coercive: to coerce; to restrain or constrain by force; to force or compel, as by threats. (Source: Websters New College Dictionary © 2007)

**2.07 Fair and Equal Treatment (Wi. Stats. § 19.59).**

- (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 convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.
- (2) 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.

**2.08 Conflicts of Interest (Wi. Stats. § 19.46).**

**The following conflicts of interest shall be expressly prohibited:**

(1) Receipt of Gifts and Gratuities Prohibited:

- (a.) 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. **(Wi. Stats. § 946.10).**
- (b.) No payment of a gratuity shall be made by or on behalf of any person and be accepted by any public official or employee as an inducement or reward for the latter's action in procuring the award of any contract or order. **(Wi. Stats. § 946.12)**
- (c.) 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.
- (d.) 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.

- (2) 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: **(Wi. Stats. § 946.13)**
- (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.
- (3) 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 approval from their Department Head, or in the case of a Department Head, from the applicable oversight committee, before engaging in outside employment. **(Wi. Stats. § 19.45)**
- (4) Action of the Board of Supervisors **(Wi. Stats. § 19.45)**:
- (a.) County Board Supervisors shall abstain from voting and/or taking action on any agenda item or resolution which may affect either themselves or their family members.
  - (b.) County Board Supervisors shall not be elected or selected for participation in an oversight committee of which the supervisor was previously employed.
- (5) Contracting **(Wi. Stats § 946.13)**:
- (a.) 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 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.
  - (b.) Pursuant to s. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract or contracts with Clark County involving the receipts or disbursements of more than \$15,000 in any year.
  - (c.) Exception: Contracts are not prohibited if they are with, or tax credits or payments are received by, public officers or employees

for wildlife damage claims or abatement under Wis. Stat. § 29.598, for farmland preservation under Wis. Stat. ch. 71 subch. IX and Wis. Stat. § 91.13, soil and water resource management under Wis. Stat. § 92.14, soil erosion control under Wis. Stat. § 92.10, 1985, animal waste management under Wis. Stat. § 92.15, 1985, or non-point source water pollution abatement under Wis. Stat. § 281.65.

(6) Nepotism:

- (a.) Public officials and employees are forbidden from engaging in nepotism, are further forbidden from using their positions to influence the county to employ in any capacity whatsoever, or otherwise retain the services of, as an independent contractor or agent, a member of his or her immediate family.
  - (b.) Within this section "relative: shall include: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle niece nephew stepchild, stepparent, grandchild and grandparent.
  - (c.) Relatives shall not be employed in an immediate superior-subordinate relationship.
  - (d.) No appointing authority shall hire a relative nor participate in selection and appointment procedures if a relative is an applicant under consideration.
  - (e.) The county chair shall not appoint a county board supervisor to a standing committee where a relative is an employee in the governed department.
  - (f.) No appointing authority, county board supervisor, county elected official or employee shall seek to influence the employment decisions of an appointing authority on behalf of a relative.
  - (g.) Any person who violates this section shall be subject to disciplinary action and/or applicable forfeiture as design by Clark County Ordinance 1-25.
  - (h.) The policy adopted herein shall apply to all employees except that incumbent employees in violation of paragraph 6(c) above at the time it is adopted are grandfathered under the rules that applied at their date of hire.
- (7) Use of position to compel charitable contributions, donations or induce business. Public officials are forbidden from using their positions to influence employees to make political campaign contributions, secure other donations to causes, public or private, or to engage in business

transactions in which they have personal or financial interest. (Wi. Stats. 946.12 (3))

- (8) Conducting private business on county premises and time. Public officials and employees are forbidden from conducting their personal or private business while they are on county premises and engaged in their public duties.

#### **2.10 Financial Interest in Legislation** (*Wi. Stats. § 19.44*).

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 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.

#### **2.11 Disclosure of Privileged Information** (*Wi. Stats. § 19.45(4)*)

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.

#### **2.12 Political Activity** (*Wi. Stats. § 19.45*)

All employees and elected officials shall have the right to freely express their views as a citizen and cast their vote, subject to the following:

- (1) No employee or elected official shall directly or indirectly use or seek to use his or her authority or the influence of his or her position to control or modify in a coercive manner the political action of another person. (See Wi. Stats. 19.59 (1)(br).)
- (2) No employee or elected official during his or her hours of duty shall, except as provided by law, engage in political activities including, but not limited to the following:
  - (a.) Campaign for any candidate or political party;
  - (b.) Make campaign speeches or engage in other activity to elect a candidate;



- (c.) Collect contributions or sell tickets to political fund-raising functions;
  - (d.) Distribute campaign material in any election;
  - (e.) Organize or manage political meetings;
  - (f.) Circulate nominating petitions;
  - (g.) Display political badges, buttons or stickers in any county building or wear such items during working hours.
- (3) No employee or elected official shall at any time use any county-owned or leased equipment for any personal political activity.
- (4) No employee shall be removed, discharged, reduced in pay or positions, or otherwise discriminated against because of the employee's political opinions or affiliations except as provided for in this section.
- (5) Employees whose principal employment is in a federally grant-aided program are subject to prohibitions in the Federal Hatch Political Activities Act as amended, 5 U.S.C.

### **2.13 State Statutes Incorporated.**

- (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:
- § 19.01 (Oaths and Bonds)
  - § 19.21 (Custody and Delivery of Official Property and Records)
  - § 19.41 Declaration of Policy
  - § 19.42 Definitions
  - § 19.46 Conflict of Interest Prohibit; exception
  - § 19.81-§19.89 (Open Meetings of Governmental Bodies)
  - § 19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).
  - § 19.45 Standards of Conduct; State Public Officials
  - § 946.10 Bribery of Public Officers and Employees.
  - § 946.12 Misconduct in Public Office
  - § 946.13 Private Interest in public contract prohibited

§ 946.18 Misconduct sections apply to all public officers

- (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 violation of this Code of Ethics.

#### **2.14 Investigations and Enforcement.**

- (1) Advisory Opinions: Any person governed by this Code of Ethics may apply in writing to the County 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.
- (2) 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 Personnel Committee within ten (10) days. If no action on the verified complaint is taken by the Personnel Committee within thirty (30) days, the complaint shall be dismissed.
- (3) Preliminary Investigations: Following the receipt of a verified complaint, the Personnel Committee 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 Personnel Committee finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to 2.14(5) below before the Personnel Committee.
- (4) Time Limitations: The Personnel Committee may 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.
- (5) Personnel Committee Ethics Responsibilities:
  - (a.) Powers and Duties: The Personnel Committee shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to subparagraph 2.14(5)(c) below, in any case

where the Personnel Committee has found that probable cause exists for believing the allegations of a complaint referred to the Committee after preliminary review pursuant to subparagraph 2.14(2) through (4) above.

(b.) 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.

(c.) Hearing: The Personnel Committee shall hold a hearing if there is a finding of probable cause to believe the allegations of the complaint under 2.14 (3). The Committee shall keep a record of the hearing. The Committee 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.

(i) Within ten work days of the conclusion of the hearing, the Committee shall file its written findings and recommendations signed by all participating Committee members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Committee determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.

(ii) No recommendation of the Committee becomes effective until twenty work days after it is issued, or while an application for rehearing or rehearing before the Committee is pending, or the Committee has announced its final determination on rehearing.

(d.) Enforcement and Penalties: If the Personnel Committee finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Personnel Committee shall refer its findings and recommendation to the County Board, or in the case of an employee, to the Administrative Coordinator. The Committee may make the following recommendations:

(i) Recommend that the County Board 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.

(ii) The Personnel Committee may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of §19.59, Wis. Stats.