

**CHAPTER 4 – CODE OF ETHICS**  
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#### **4.01 Declaration of Policy.**

To ensure that the public can have complete confidence in the integrity of Dunn 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) Dunn 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.

#### **4.02 Purpose.**

The purpose of this Code is to establish ethical standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interest of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for County officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable 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.

#### **4.03 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 Dunn 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.

#### **4.04 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.

#### **4.05 Exemptions.**

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

#### **4.06 Definitions.**

(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.

#### **4.07 Fair and Equal Treatment.**

(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.

#### **4.08 Conflicts of Interest.**

**(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.

**(2) 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.

**(3) 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:

(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.

**(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. (05/20/2015)

**(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 \$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. Further, pursuant to s. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract or contracts with Dunn County involving the receipts or disbursements of more than \$15,000 in any year.

#### **4.09 Disclosure of Economic Interest.**

(a) Public officials required to file statement.

- (1) Pursuant to Wis. Stat. §19.59 (3)(a), all elected officials and all public officials whose duties and responsibilities include the evaluating, awarding and executing of contracts for the purchase of supplies, services, materials, and equipment for or on behalf of the county or any board of commission thereof, or for the construction of public works, or for the sale or lease of real estate, are required to file statements of economic interest as set forth in this section.
- (2) Those required to file shall include all elected officials and all public officials in managerial position classifications. In addition, each department head shall prepare a list of all other positions within his or her department, whose duties include those outlined above. These positions lists shall be submitted to the ethics board for its determination of which public officials, in addition to those in the managerial level, shall be required to file statements of economic interest.
- (3) Each public official required to file a statement under this section shall do so during the month of May of each even-numbered year, commencing in the first full calendar year following adoption of this code of ethics. Public officials required to file who are hired, and/or assume responsibilities requiring them to file, after February 28 of the calendar year, shall file within thirty (30) work days of assuming such responsibilities. These statements shall be filed with the Department of Administration. In the event that there is a change in circumstances in an individual's status required to be reported under (b), the elected official or public official shall file an amended Disclosure of Economic Interest within 30 days.
- (4) The statements of economic interest are considered public record and shall be open to public inspection. Requests for examination of these statements shall be made in writing to the County Clerk. The public official shall be notified of the request for examination of his or her statement of economic interest and shall be supplied with the identity of the requester.

(b) *Content of Statement.* The ethics board shall prescribe the format for the filing of the statements of economic interest, which shall include the following:

- (1) The names and addresses of the public official and all members of his or her immediate family. The inclusion of the addresses of the public official and members of his or her immediate family are optional at the discretion of the public official.
- (2) The names of all employers of the public official and spouse.
- (3) The nature and source of principal income of the public official and spouse. Specific dollars amounts need not be disclosed.
- (4) The address of real property located in the county, other than principal residence, in which the public official or a member of his or her immediate family has a fair market interest in the property exceeding five thousand dollars (\$5,000.00).

- (5) The names and addresses of all creditors to whom the public official or member of his or her immediate family is indebted by more than five thousand dollars (\$5,000.00).
- (6) The names of all corporations and other business interest, both profit and nonprofit, in which the public official or members of his or her immediate family hold any office or directorship or own or control, directly or indirectly, more than ten (10) percent of the outstanding stock or more than ten (10) percent of other business ownership.
- (7) Any other information the Ethics Board requires that is consistent with Wis. Stat. § 19.44 and 19.59 (3)(a).

(c) Dunn County shall withhold payment of salaries or expenses from any public official or employee of the County who fails to disclose his or her economic interest in accordance with the requirements of this ordinance. (05/21/2008)

#### **4.10 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 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.

In accordance with section 19.59(1)(d), Wis. Stats., this section does not prohibit a County official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses. (01/18/2006)

#### **4.11 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.

#### **4.12 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.

#### **4.13 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)

§19.81-§19.89 (Open Meetings of Governmental Bodies)

§19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).

**(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.

#### **4.14 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 Ethics Inquiry Board within ten (10) days. If no action on the verified complaint is taken by the Ethics Inquiry Board within thirty (30) days, the complaint shall be dismissed.

**(3) Preliminary Investigations:** Following the receipt of a verified complaint, the Ethics Inquiry 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. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to 4.14(5) below before the Ethics Inquiry Board.

**(4) Time Limitations:** The Ethics Inquiry Board 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) Ethics Inquiry Board:** There is hereby created an Ethics Inquiry Board to consist of three members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the County Board Chairperson with the approval of the County Board. The members of the Ethics Inquiry Board shall be residents of the Dunn County and shall not be County Public Officials during the time of appointment, and shall serve staggered three year terms expiring on the third Tuesday in April of the third year following their appointment except as otherwise provided in the implementation of this ordinance. The Corporation Counsel shall provide legal advice, secretarial service and assistance to the Board. The Board shall be entitled to mileage and per diem payments for meetings and hearings of the Board on the same basis as provided other Dunn County Boards, Committees or Commissions.

(a) Powers and Duties: The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to subparagraph 4.14(5)(c) below, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Board after preliminary review pursuant to subparagraph 4.14(2) through (4) above.

(b) Burden of Proof: Violations shall be proved by evidence that is clear, satisfactory and convincing. (01/18/2006)

(c) Hearing: The Ethics Inquiry Board shall hold a hearing if there is a finding of probable cause to believe the allegations of the complaint under 4.14 (3). 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.

(i) Within ten work days of the conclusion of the hearing, the Board shall file 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 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 Board becomes effective until twenty work 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.

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

Adopted on July 16, 2003.