

CHAPTER 90

CODE OF ETHICS

90.01 Definitions:

(1) **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 St. Croix 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 of Ethics.

(2) **Associated:** When used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

(3) **Employee:** All persons filling an allocated position of St. Croix County employment and all members of boards, committees, and commissions.

(4) **Financial Interest:** Any interest which yields, directly or indirectly, a monetary or other material benefit to the St. Croix County officer or employee or to any person employing or retaining services of the St. Croix County officer or employee.

(5) **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 employee or receives that level of support from the official or employee.

(6) **Official:** All St. Croix County department heads or directors, St. Croix County supervisors, and all other St. Croix County elected officers, except judges and district attorneys.

(7) **Person:** Any individual, corporation, partnership, joint venture, association or organization.

90.02 Declaration of Policy. To ensure that the public can have complete confidence in the integrity of St. Croix County Government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of St. Croix County government demands that:

- (1) St. Croix County officials and employees be independent, impartial and responsible to the people;
- (2) decisions be made in the proper channels of the St. Croix County governmental structure;

- (3) St. Croix County offices should not be used for personal gain;
- (4) St. Croix County business should be conducted in such a way 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.

90.03 Purpose. The purpose of this Code of Ethics is to establish ethical standards of conduct for all St. Croix County officials and employees by identifying those acts or actions that are not compatible with the best interest of St. Croix County. Because representatives of St. Croix 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 St. Croix County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for St. Croix 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 of Ethics, 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.

90.04 Responsibility of Public Office. St. Croix 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 St. Croix County. Further, they are bound to observe in their official acts, the standards of ethics set forth in this Code of Ethics and to faithfully discharge the duties of their office. The public interest must be their primary concern.

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

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

90.07 Fair and Equal Treatment:

- (1) **Use of Public Property:** An official or employee shall not use, or knowingly permit the use, of St. Croix County services or St. Croix 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 St. Croix 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 St. Croix County supervisors to diligently represent their constituency.

90.08 Conflicts of Interest:

- (1) No official or employee may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.
- (2) No person may offer or give to an official or employee, directly or indirectly, and no official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee.
- (3) No official or employee may take any official action substantially affecting a matter in which the official or employee, a member of his or her immediate family, or an organization with which the official or employee is associated, has a substantial financial interest.
- (4) No official or employee may use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official or employee, one or more members of the official's or employee's immediate family either separately or together, or an organization with which the official or employee is associated.

90.09 Political Activities. An official or employee has the right to freely express his or her views as a citizen and cast his or her vote, subject to the following:

- (1) No official or employee shall directly or indirectly use or seek to use his or her authority or position to control or modify the political activity of another person.
- (2) No official or employee shall at any time use any St. Croix County-owned or leased equipment for any political activity.
- (3) No official or employee shall attempt to or influence an attempt to remove, discharge, demote, reduce pay, or otherwise discriminate against any employee because of the employee's political opinions or affiliations.

90.10 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 Governmental Officials, Employees and Candidates)

- (2) **Violation of Incorporated Statutes:** Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code of Ethics and failure to do so shall constitute a violation of this Code of Ethics.

90.11 Investigations and Enforcement:

- (1) **Advisory Opinions:** Any person governed by this Code of Ethics may apply in writing to the St. Croix 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 of Ethics before the advisory opinion is rendered. All requests for opinions and opinions rendered shall be in writing. Records of the St. Croix County 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 St. Croix County 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 of Ethics and sets forth the material facts involved in the allegation. The St. Croix County Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within ten days. If no action on the verified complaint is taken by the Ethics Inquiry Board within sixty days, the complaint shall be referred to the County Board for determination of probable cause. If there is a finding of probable cause by the County Board, the matter shall be referred back to the Ethics Board for an evidentiary hearing under 90.11(5)(c).
- (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 of Ethics. 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 90.11(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 St. Croix County Board of Supervisors Chairperson with the approval of the St. Croix County Board of Supervisors. The members of the Ethics Inquiry Board shall be residents of St.

Croix County and shall not be St. Croix 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 St. Croix County Corporation Counsel shall provide legal advice, secretarial service and assistance to the Ethics Inquiry Board. The Ethics Inquiry Board shall be entitled to mileage and per diem payments for meetings and hearings of the Ethics Inquiry Board on the same basis as provided other St. Croix 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 90.11(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 Ethics Inquiry Board after preliminary review pursuant to subparagraph 90.11(2) through (4) above.

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

(c) 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 Ethics Inquiry Board. The Ethics Inquiry Board shall keep a record of the hearing. The Ethics Inquiry 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 Ethics Inquiry Board shall file its written findings and recommendations signed by all participating Ethics Inquiry Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Ethics Inquiry 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 Ethics Inquiry Board becomes effective until twenty work days after it is issued, or while an application for rehearing or rehearing before the Ethics Inquiry Board is pending, or the Ethics Inquiry 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 St. Croix County Board of Supervisors, or in the case of an employee, to the St. Croix County Administrator. The Ethics Inquiry Board may make the following recommendations:

(i) Recommend that the St. Croix County Board of Supervisors 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.