

CHAPTER ET - ETHICS CODE

	Page
SECTION 1	
ET-1.01-1 Title	1
ET-1.02-1 Declaration of Policy	1
ET-1.03-1 Responsibility of Public Office	1
ET-1.04-1 Standards of Conduct	1
ET-1.05-1 Compliance with State Statutes	5
ET-1.06-1 Action Upon Conflict	6
ET-1.07-1 Exceptions	7
ET-1.08-1 Penalty	8
ET-1.09-1 Effective Date	8
ET-1.10-1 Severability	8
ET-1.11-1 Definitions	8

CHAPTER ET - ETHICS CODE

SECTION 1

ET-1.01-1 TITLE

This code shall be known as, referred to, or cited as the Kenosha County Code of Ethics.

ET-1.02-1 DECLARATION OF POLICY

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policies be made in proper channels of the government structure; that public office and employment not be used for improper personal gain; and that the public have confidence in the integrity of its government. The County Board believes that a code of ethics for the guidance of County officials and employees will help them avoid conflicts which are substantial and material between their personal interests and their public responsibilities. In recognition of these goals, there is hereby established a Code of Ethics for Kenosha County officials and employees. It is intended that this code shall apply to all persons whose functions require the exercise of discretion and judgment exclusive of elected officials. Nothing herein contained is intended to deny to any individual, rights granted by the United States Constitution, the Constitution of the State of Wisconsin, the laws of the State of Wisconsin or by labor agreements negotiated with bargaining representatives.

ET-1.03-1 RESPONSIBILITY OF PUBLIC OFFICE

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Wisconsin and to carry out impartially the laws of the nation, state and county, and to observe in their official acts the highest standards of ethics and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in their official actions should be above reproach so as to foster respect for all government.

ET-1.04-1 STANDARDS OF CONDUCT

- (1) Public Trust. The county board hereby reaffirms that county public official or employee holds his or her position as a public trust, and any effort to realize an improper personal gain through official

conduct is a violation of that trust. This section does not prevent any county public official from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this county. The county board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as county public officials retain their rights as citizens to interests of a personal or economic nature; that 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 which are substantial and material; and that county public officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this section.

- (2) Use of Public Property. No official or employee shall request or permit the use of county services or of county-owned vehicles, equipment, materials or property for non-official purposes or personal profit, except when such services or uses are available to the general public or except as hereinafter set forth.
- (3) Obligations to Citizens. All persons shall be treated fairly and impartially and without discrimination in accordance with the federal and state constitution. No official or employee shall grant or use undue influence in obtaining any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. Nor shall any official or employee hinder or obstruct the efforts of any citizen to acquire or exercise rights duly afforded him or her.
- (4) Special Conflicts and Standards of Conduct Enumerated. Conflicts of interest prohibited under this section and expected standards of conduct by county employees and officials shall include, but not be limited to the following:

- (a) Incompatible Employment. No official or employee shall engage in or accept private employment or render services for compensation for a private interest when such employment or service is incompatible with the proper discharge of official duties or would impair the independence or judgment or action in the performance of official duties or would lessen the time to perform such duties. Disclosure of all outside employment must be made to an immediate supervisor regarding the nature and extent of the outside employment prior to accepting such employment. (1/9/90)
- (b) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose legally confidential information gathered in the course of public employment concerning the affairs of the county or of a citizen, nor shall he use such information to advance the financial or personal interest of himself or others.
- (c) Representing Private Interests Before County Agencies or Courts. No official or employee who is admitted to practice law in the State of Wisconsin shall represent as an advocate any private interests, other than himself, his spouse or his children, before any county agency; nor shall any official or employee who is admitted to practice law in the State of Wisconsin represent as an advocate any private interests other than himself, his spouse or children, in any proceeding adverse to the county in any county court.
- (d) Gifts and Favors. No person or organization may offer or give to a county public official or employee, directly or indirectly, and no county public official or employee may solicit or accept from any person or organization, directly or indirectly, anything of value if it could reasonably be expected to influence such county public official's or employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such county public official or employee. This subsection does not prohibit a county public official or employee from engaging in outside employment not in conflict with this policy.

- (e) Insider Advantage. No county public official or employee may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person or organization, if the information has not been communicated to the public or is not public information.
- (f) Influence Peddling. No county public official or employee may use or attempt to use his public position to influence or gain unlawful benefits or to influence or gain advantages or privileges for himself or others.
- (g) Contracting. (Personal Gain). Except as otherwise provided by section 946.13 of the Wisconsin Statutes, no official or employee shall, in his private capacity, negotiate or bid for or enter into a contract in which he has a private pecuniary interest, direct or indirect, if at the time he is authorized or required by law to participate in his capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on his part, nor shall any official or employee, in his official capacity, participate in the making of a contract in which he has a private pecuniary interest, direct or indirect, or perform in regard to that contract some function requiring the exercise of discretion on his part. A violation of section 946.13 of the Wisconsin Statutes, shall also constitute a violation of this code.
- (h) Consulting. No employee is to serve as a consultant to any entity or corporation doing business with, or seeking to do business with, Kenosha County, subject to exemptions in the Wisconsin State Statutes.
- (i) Business Associates and Clientele. No county official or employee shall render service to or make any decision concerning or involving any former, present or future business associate or client without first revealing in writing to his or her immediate superior the nature and

the extent of the relationship.

- (j) Issuance of Permits. No county official or employee empowered to issue a discretionary permit under either the state or local laws or regulations shall issue any such permit to himself or herself or to any member of that individual's immediate family without first revealing in writing the request for such permit to that individual's immediate superior.
- (k) Material Conflict of Interest. No county employee shall engage in any material conflict of interest as defined in section ET-1.06-1(3).
- (l) Personal Services. No employee shall be required to perform any private work or private or personal service for any other county employee or official or make a contribution to any other such employee or official of Kenosha County.
- (m) Falsifying Claims or Records. No county employee or official shall engage in submitting any falsified claim or in preparing or presenting any false information or record or misrepresentation, either oral or written, in the course of any work falling within the scope of their employment.
- (n) Misuse or Misappropriation of County Property or Funds. No county official or employee shall misuse or misappropriate any county funds or property.
- (o) Notification of Conflicts. No county official or employee shall willfully fail to disclose to his or her immediate superior any conflict of interest involving another county employee or official.

ET-1.05-1 COMPLIANCE WITH STATE STATUTES

- (1) The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:
 - (a) Section 19.01---Oaths and Bonds.
 - (b) Section 19.21---Custody and Delivery of Official Property and Records.

- (c) Section 19.31 through 19.39---Public Records.
 - (d) Section 19.81 through 19.89---Open Meeting of Governmental Bodies.
 - (e) Section 946.12---Misconduct in Public Office.
 - (f) Section 946.13---Private Interest in Public Contract Prohibited.
 - (g) Any provision of Chapter 17 of the Wisconsin Statutes justifying removal of an official or employee for cause.
- (2) Officials and employees shall comply with the provisions of these enumerated sections of the Wisconsin Statutes and failure to so comply shall constitute a breach of the Code of Ethics.
 - (3) Attorneys employed by Kenosha County are required to comply with all aspects of the Wisconsin State Bar Code of Ethics.

ET-1.06-1 ACTION UPON CONFLICT

- (1) Any county public official or employee who, in the discharge of his or her official duties, is involved or about to be involved in any matter that could result in a material conflict of interest on his or her part shall:
 - (a) Prepare a written statement describing such matter and the nature of the possible conflict of interests; and
 - (b) Deliver copies of the statement to his or her immediate supervisor or the county executive.
 - (c) Take no further action in regard to such matter except as hereinafter set forth.
- (2) If the county public official or employee is not a department head, such person's supervisor shall assign the matter to another employee, who does not have a possible conflict of interest, or contract with outside sources to complete the matter. If the official or employee is a department head, he or she shall be guided by written advice from the corporation counsel in regard to the matter. The corporation counsel shall promptly review the written statement submitted by such official or employee who has no immediate superior, and on the basis thereof and such further investigation of the matter as he

deems advisable, he shall as promptly as practicable advise such person in writing as to the course of action he or she should follow in regard to the matter. The provisions of this code concerning advisory opinions of the corporation counsel apply to advice given under this paragraph.

- (3) A material conflict of interest on the part of a county public official or employee is deemed to exist within the meaning of this section in regard to a matter in which he or she is involved, or is about to be involved in the discharge of his or her official duties, whenever:
 - (a) The official's or employee's action or failure to act could reasonably be expected to produce or assist in producing a substantial benefit, directly or indirectly, for such official or his or her immediate family or an organization with which he or she is associated; or
 - (b) The matter in question gives rise to a division of loyalties owed to Kenosha County and another party or an unfair bargaining advantage or leverage affecting disbursements of money or creation of policies to the possible detriment of Kenosha County.

ET-1.07-1 EXCEPTIONS

- (1) Fees and Honorariums.
 - (a) In order to achieve the broadest possible public discussion and understanding of county government, the legislative process and the specific policy issues and proposals pending before the legislature, every county public official and employee is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret these topics.
 - (b) Notwithstanding any provisions of this code, reasonable compensation for any such activity or for any published work and reimbursement of actual and necessary expenses incurred in connection therewith may be accepted by a county public official or employee, but if such activity or published work is accomplished by an official or employee with the use of the county time or of its facilities, services or

supplies not generally available to all citizens of this county in the course of his or her official duties, the official or employee may not retain such compensation or reimbursement of expenses but shall deposit it with the county treasurer.

- (2) Reimbursements. Nothing in this section prevents or limits reimbursement by the county of actual and reasonable expenses incurred by a county public official or employee in the performance of official duties.
- (3) Use of Certain Vehicles. Notwithstanding any provision of this code, it is recognized that it is in the public interest to make immediate transportation available to certain public officials for use in emergencies. For this purpose, specially equipped motor vehicles may be provided to those employees assigned a vehicle through the annual budget process or by Executive Order in the case of an emergency.

Employees assigned a county vehicle shall use that vehicle only in compliance with administrative use and reporting directives issued by the Finance Division.

Personal use of a vehicle is restricted to commuting as defined in the attached Kenosha County Fiscal Procedure unless otherwise directed by the County Board. (11/8/05)

ET-1.08-1 PENALTY

Any employee or appointed official found by the Policy and Rules Committee to have violated any provision of this code shall be entitled to a due process hearing before the Administration Committee and shall be subject to the discipline policy as set forth in this manual, including, but not limited to, termination of employment. Any action taken by an employee in violation of the county board's ethics policy shall be deemed void.

ET-1.09-1 EFFECTIVE DATE

This code shall take effect upon passage.

ET-1.10-1 SEVERABILITY

If any provision of this code is invalid or unconstitutional, or if the application of this code to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can

be given effect without the invalid or unconstitutional provision or application.

ET-1.11-1 DEFINITIONS

In this code, and for purposes of this code only:

- (1) "Anything of Value" means any money or property, favor, service, gift, loan payment, subscription, advance forbearance, lodging, travel, recreational expense, thing or promise of future reward or employment with the intent to influence an official's or employee's actions, BUT DOES NOT INCLUDE compensation and expenses paid by the county, speaking fees, honorariums and expenses, political contributions which are properly reported, occasional meals and beverages, unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal value or hospitality extended for a nonbusiness purpose.
- (2) "Associated", when used with reference to an organization, includes any organization in which a person or member of his or her immediate family is a director, officer or trustee or owner or controls, directly or indirectly and severally or in the aggregate at least 10% of the outstanding equity.
- (3) "Employee" means all persons filling an allocated position of county employment or any volunteer with the exception, however, that "employee" does not include judges but does include court commissioners.
- (4) "Financial Interest" shall mean any interest that will yield directly or indirectly a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the official or employees or any member of the immediate family of said official or employee, except as permitted by section 946.13 of the Wisconsin Statutes.
- (5) "Gift" means the payment or receipt of anything of value without valuable and sufficient consideration.
- (6) "Personal Interest" shall mean any interest arising from a blood or marriage relationship.
- (7) "Immediate Family" means either a wife, husband, or any other relative who is a member of the immediate household.

- (8) "Income" has the meaning given under the federal internal revenue code.
- (9) "Ministerial Action" means an action that a person performs in a given set of facts in a prescribed manner in obedience to the mandate of legal authority without regard to the exercise of the persons own judgment as to the propriety of the action being taken.
- (10) "Official" or "County Public Official" shall mean any person holding an appointed county office, and includes all county department heads but not elected officials.
- (11) "Person" shall mean any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, trust or other legal entity recognized as such by the laws of the State of Wisconsin.
- (12) "Privileged Information" or "Confidential Information" means written or oral material related to county government which has not become a part of the body of public information and which is designated by statute, court decision, lawful orders or custom as being either privileged or confidential.
- (13) "Security" has the meaning given in section 19.42(12) of the Wisconsin Statutes.