

## CHAPTER 4. ETHICS

**4.01 TITLE.** This ordinance shall be known as, referred to or cited as the Jefferson County Code of Ethics. [Amended 06/12/07, Ord. No. 2007-12]

**4.02 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. 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.

**4.03 DEFINITIONS.** In this ordinance:

(1) "Official" means all county department heads, county supervisors, all other county elected officers, except judges.

(2) "Employee" means all persons filling an allocated position of county employment and all members of boards, committees and commissions not included in (1).

(3) "Immediate family" means:

(a) An individual's spouse; and [Amended 06/12/07, Ord. No. 2007-12]

(b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support. [Amended 06/12/07, Ord. 2007-12]

(4) "Anything of value" means any money or property, favor, service, payment, subscription, advance, forbearance, loan or promise of future employment, 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 purpose unrelated to county business by a person other than an organization. It shall be presumed that any item with a value of less than \$25 shall not be considered "anything of value" constituting a violation of any other provision of this ordinance. [Amended 06/12/07, Ord. No. 2007-12]

(5) "Privileged information" means 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 or custom as privileged.

**4.04 DISCLOSURE OF INFORMATION.** (1) Not later than April 30 of each even numbered year, officials shall file with the County Clerk a true statement containing information herein determined to be pertinent to public office. Officials elected or appointed after April 30 of any year shall file such statement within ten days after taking office. Such statements shall be public records and open to public inspection. [Amended 06/12/07, Ord. No. 2007-12]

(2) Every candidate for election to the office of county supervisor or any other county elected office, except judicial office, shall file with the County Clerk the required statement within ten days after filing nomination papers or within ten days after any other form of nomination. The statements of candidates shall be public records and open to public inspection until ten days after the election. Thereafter, such statements shall be sealed and designated privileged and subject to examination only upon order of a court of record. [Amended 06/12/07, Ord. No. 2007-12]

(3) Form of Statement. Officials shall file the required statement on forms furnished by the County Clerk and shall include: [Amended 06/12/07, Ord. No. 2007-12]

(a) The name and address of the official and the names and addresses of the immediate family.

(b) The nature and source of the principal income of the official.

(c) The names and addresses of all creditors to whom the official or a member of his immediate family is indebted more than \$5,000.00, excluding the indebtedness on the official's principal residence and excluding the indebtedness to any person, business, corporation or partnership not residing in, located in or conducting business in the County of Jefferson.

(d) The names and addresses of all corporations, partnerships and sole proprietorships other than religious, political or charitable organizations in which the official or a member of his immediate family holds any office or directorship, excluding any such corporation, partnership or sole proprietorship located outside Jefferson County and not conducting business in Jefferson County.

(e) The identity of real property located in Jefferson County other than the principal residence in which the official or a member of his immediate family owns an interest. If such interest is a fractional share of not more than one-tenth, it is not necessary to report such interest.

**4.05 RESPONSIBILITY OF PUBLIC OFFICE.** 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 conduct and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interests must be their primary concern.

**4.06 FAIR AND EQUAL TREATMENT.** (1) Use of Public Property. No official or employee shall use or knowingly permit the use of county services or property, including but not

limited to county-owned vehicles, equipment, materials, county accounts and credit cards for unauthorized nongovernmental purposes or for unauthorized personal convenience or profit unless use of such services or property are available to the general public. [am. 12/09/08, Ord. 2008-28]

(2) Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**4.07 CONFLICT OF INTEREST. (1) Financial and Personal Interest Prohibited.** No person subject to this ordinance may: [Amended 06/12/07, Ord. No. 2007-12]

(a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest, or [Amended 06/12/07, Ord. No. 2007-12]

(b) 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, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated. [Amended 06/12/07, Ord. No. 2007-12]

(2) Special Conflicts Enumerated. Conflicts of interest prohibited under this section 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 service for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law.

(b) Disclosure of Privileged Information. No official or employee shall, without lawful authority, knowingly disclose or knowingly permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. No official or employee shall use privileged information to advance the financial or personal interest of himself or his immediate family.

(c) Gifts and Favors. No official or employee shall accept, from any person or organization directly or indirectly, anything of value without full payment therefore if it could reasonably be expected to influence his vote, governmental actions or judgment or could reasonably be considered as a reward for any governmental action or inaction. Acceptance of anything with a value less than \$25 shall be presumed to not be expected to influence a vote, governmental action or judgment, or reasonably be considered as a reward or for any governmental action or inaction. [Amended 06/12/07, Ord. No. 2007-12]

**4.08 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:

s. 19.01 - Oaths and Bonds

s. 19.21 - Custody and Delivery of Official Property and Records

s. 19.59 - Code of Ethics for Local Governmental Officials, Employees and Candidates  
[Amended 06/12/07, Ord. No. 2007-12]

s. 19.81 through s. 19.89 - Open Meeting of Governmental Bodies

s. 946.13 - Private Interest in Public Contract Prohibited

(2) Officials, employees and candidates 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. [Amended 06/12/07, Ord. No. 2007-12]

**4.09 ETHICS CODE ADMINISTRATION.** (1) Any person subject to this ordinance may request an advisory opinion from the Corporation Counsel regarding the propriety of actions regarding any matter to which the person is or may become a part. (Amended 06/12/07, Ord. No. 2007-12)

(2) In the event the Corporation Counsel has a potential conflict of interest, the Corporation Counsel may recommend to the County Administrator employment of a disinterested attorney to investigate and evaluate any matter arising out of this ordinance. In the event such investigation reveals probable cause concerning a violation, the investigator may refer this information to the District Attorney. [Amended 06/12/07, Ord. No. 2007-12]

(3) The District Attorney is authorized to prosecute violations of this ordinance, seeking a forfeiture, writ of mandamus or injunction, as the case may be, in a proper court of record. In the alternative, the District Attorney may direct compliance with the provisions of the Ethics Code or applicable state law, or issue a statement of reprimand which shall constitute a public record for inspection. [Amended 06/12/07, Ord. No. 2007-12]

**4.10 PENALTIES.** (1) Any person violating the provisions of this ordinance shall be subject to reprimand, censure or civil prosecution in a court of record.

(2) Any person violating the provisions of this ordinance and convicted in a court of record shall be indebted and required to pay to the County of Jefferson a forfeiture of not less than \$25.00 nor more than \$500.00, together with taxable costs, and, upon default in the payment of such forfeiture and costs, may be incarcerated in the County Jail until such forfeiture and costs are paid, but in no event shall such confinement exceed thirty days. [Amended 06/12/07, Ord. No. 2007-12]

**EFFECTIVE DATE.** This ordinance shall take effect upon passage and publication according to law. [Amended 06/12/07, Ord. No. 2007-12]

Adopted 03/14/78 (Ord. No. 10)

Last Amended 12/09/08; published 12/12/08