

Chapter 32 ETHICS CODE

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Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anything of value means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.

Business means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

Financial interest means any interest which shall 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 officer or employee.

Personal interest means the following specific blood or marriage relationships:

- (1) A person's spouse, mother, father, child, brother or sister; or
- (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half support from such person or from whom such person receives, directly or indirectly, more than one-half of his support.

Public employee means any person excluded from the definition of a public official who is employed by the city.

Public official means those persons serving in statutory elected or appointed offices provided for in Wis. Stats. ch. 62 and all members appointed to boards, committees and commissions established or appointed by the mayor and/or common council pursuant to this Code, whether paid or unpaid.

Significant interest means owning or controlling, directly or indirectly, at least ten percent or \$5,000.00 of the outstanding stock of any business.

Cross references: Definitions generally, § 1-2.

Sec. 32-2. Purpose.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this chapter a code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the city, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the city.
- (b) The purpose of this ethics code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The common council believes that a code of ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this city in their elected and appointed officials and employees. The common council reaffirms that each elected and appointed city official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this ethics code and such rules and regulations as may be established are declared to be in the best interest of the city.

Sec. 32-3. Advisory opinions.

Any questions as to the interpretation of any provisions of this code of ethics chapters shall be referred to the city attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 32-4. Employees covered by collective bargaining agreements.

If an employee, covered under a collective bargaining agreement, is allegedly involved in an ethics code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this ethics code chapter.

Sec. 32-5. Sanctions.

A determination that an employee's actions constitute improper conduct under the provisions of this chapter may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

Sec. 32-6. Statutory standards of conduct.

There are certain provisions of the state statutes which should, while not set forth in this chapter, be considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the state statutes, as from time to time amended, are made a part of this code of ethics and shall apply to public officials and employees whenever applicable:

TABLE INSET:

Wis. Stats. § 946.10	Bribery of public officers and employees.
Wis. Stats. § 946.11	Special privileges from public utilities.
Wis. Stats. § 946.12	Misconduct in public office.
Wis. Stats. § 946.13	Private interest in public contract prohibited.

Sec. 32-7. 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 this state and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

Sec. 32-8. Dedicated service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the city staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the city clerk/treasurer. The city clerk/treasurer may notify the appropriate professional ethics board of any ethics violations involving city employees covered by such professional standards.

Sec. 32-9. Fair and equal treatment.

- (a) *Use of public property.* No official or employee shall use or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as city policy for the use of such official or employee in the conduct of official business, as authorized by the common council or authorized board, commission or committee.
- (b) *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. No official or employee shall use or attempt to use his or her position with the city to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.

- (c) *Political contributions.* No official shall personally solicit from any city employee a contribution to a political campaign committee for which the person subject to this chapter is a candidate or treasurer.

Sec. 32-10. Conflict of interest.

- (a) *Financial and personal interest prohibited.*

- (1) No official or employee of the city, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the common council who has a financial interest or personal interest in any proposed legislation before the common council shall disclose on the records of the common council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the council involves a member's personal interest with persons involved, the member may participate in debate or discussion or vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion or vote on the matter.
- (3) Any nonelected official, other than a city employee, who has a financial interest or personal interest in any proposed legislative action of the common council or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject to the proposed legislative action shall disclose on the records of the common council or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

- (b) *Disclosure of confidential information.* No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

- (c) *Gifts and favors.*

- (1) No official or employee, personally or through a member of his/her immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the

employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

- (2) No official or employee personally, or through a member of his/her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his/her independence of judgment or action in the performance of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value.
 - (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a city official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This subsection (c)(3) further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
 - (4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the common council within ten days of receipt for recommended disposition. Any person subject to this chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this subsection (c)(4), shall, within ten days, disclose the details surrounding said offer to the common council. Failure to comply with this reporting requirement shall constitute an offense under this chapter.
- (d) *Representing private interests before city agencies or courts.*
- (1) Nonelected city officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any city agency, board, commission or the common council if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected city officials may appear before city agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of subsection (a) of this section shall be applicable to such appearances.
- (e) *Ad hoc committee exceptions.* No violation of the conflict of interest restrictions of this section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the common council that such interest exists.
- (f) *Contracts with the city.* No city official or employee who, in his/her capacity as such officer or employee, participates in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract with

some function requiring the exercise of discretion on his/her part shall enter into any contract with the city unless, within the confines of Wis. Stats. § 946.13:

- (1) The contract is awarded through a process of public notice and competitive bidding or the common council waives the requirement of this section after determining that it is in the best interest of the city to do so.
- (2) The provisions of this subsection (b) shall not apply to the designation of a public depository of public funds.