

## CHAPTER 18

### CODE OF ETHICS

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18.01. Definitions.

- a. Public Officer. Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to Boards, Committees, and Commissions established or appointed by the Village President, Chairperson, and/or Village Board, whether paid or unpaid.
- b. Public Employee. Any person excluded from the definition of public officer who is employed by the Village.
- c. Confidential Information is, at the time of a proposed disclosure, information where the Village's interests in its confidentiality or in the Village's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes, but is not limited to, information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Wisconsin Statute Section 19.85 unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section, information shall include, but not be limited to, knowledge imparted orally, recordings, and written documents or records.
- d. Anything of Value. Means any gift, favor, loan, service or promise of future employment, however, it does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- e. Financial Interest. 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.

- f. Personal Interest. Means the following specific blood or marriage relationship:
  - (1) An individual's spouse;
  - (2) An individual's mother, father, lineal descendant, brother or sister 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.
- g. Vendor. One who sells and/or provides services and/or products to the Village.
- h. Business. Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit and/or not-for-profit activities.

18.02 Declaration of Policy. It is declared that high ethical standards among Village officers and employees are essential to the conduct of good representative government and that a Code of Ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employees. The purpose of this Section is to establish guidelines for ethical standards of conduct for all such Village officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Village officers and employees and their official actions.

18.03 Statutory Standards of Conduct. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended or renumbered, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to-wit:

- a. Section 946.10. Bribery of Public Officers and Employees.

- b. Section 946.11. Special Privileges from Public Utilities.
- c. Section 946.12. Misconduct in Public Office.
- d. Section 946.13. Private Interest in Public Contract Prohibited.
- e. Section 19.01 - Oaths and Bonds.
- f. Section 19.21 - Custody and Delivery of Official Property and Records.
- g. Sections 19.81 - 19.89. Open Meetings of Governmental Bodies.
- h. Section 19.59 - Code of Ethics for Local Government

Officials, Employees, and Candidates.

Public officers and employees shall comply with the Sections of the Wisconsin Statutes incorporated in this Code and failure to do so constitutes a breach of this Code of Ethics.

18.04 Use of Public Property. No public officer or employee shall use or permit the use of Village vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such officer or employee in the conduct of official business, as authorized by the Village Board or authorized Board, Commission, or Committee.

18.05 Obligations to Citizens. A public officer or employee shall not grant or receive any special consideration, treatment, or advantage beyond that which is available to every other citizen.

18.06 Conflicts of Interest; Disclosure of Interest. Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or will tend to

impair his or her independence or judgment or action in the performance of his or her official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into, or bidding on any transaction with the Village, or as part of his or her official duties will be making an official decision or recommendation significantly affecting a business competitor, client, or regular customer, shall disclose such interest to the membership of the Village Board (or Committee, Board, or Commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

18.07 Representing Private Interests before the Common Council or Village Agencies. No public officer or employee, including persons or firms engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any Village Board, Commission, or Committee without disclosure of the private business relationship and explicit consent of the Village Board.

18.08 Disclosure of Confidential Information. No officer or employee may use or disclose confidential information concerning the property, government, or affairs of the Village gained in the course of or by reason of his or her official position or activities, nor shall such officer or employee use such information to advance the financial or other private interest of such officer or employee or others.

18.09 Receipt of Gifts, Gratuities, and Preferential Treatment. No public officer or employee shall accept anything of value whether in the form of a gift, service, loan, or promise from any person, who, to his or her knowledge, has a direct financial interest in any transaction or official business with the Village, which may tend to impair his or her independence of judgment or action in the performance of his or her official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.

18.10 Employees covered by Collective Bargaining Agreements. In the event an employee covered under a collective bargaining agreement, is allegedly involved in an "Ethic Policy" violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this "Ethic Policy".

Sanctions

A determination that any employee's actions constitute improper conduct under the provisions of this "Ethics Policy" 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.

18.11 Reporting Ethics Violations. Any questions as to the interpretation of any provisions of this code of ethics shall be referred to the Salary and Labor Committee. 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.

Any employee who is requested to engage in any activity which is or may be contrary to this Policy will promptly report in writing such information to his/her supervisor, or, if the employee was so directed by the supervisor, then to the Salary and Labor Committee.

Any employee who acquires information that gives the employee reason to believe that any other employee is engaged in conduct forbidden by this policy or the law will promptly report in writing such information to his/her supervisor or, if the supervisor is engaged in such conduct, then to the Salary and Labor Committee.

18.12 Nepotism. It is the policy of the Village of Ellsworth to prohibit supervisors from hiring a person related to them to work under their direct supervision unless authorized and approved by the Board. For purposes

of this policy, related persons shall mean spouse, mother, father, son, daughter, sister, brother, uncle, aunt, nephew, niece, grandfather, grandmother, mother-in-law, father-in-law, stepdaughter, stepson, stepfather, stepmother.

18.13 Solicitation. The maintenance of a business atmosphere is important to the operation of the Village of Ellsworth and protects employees from undue interference while performing their jobs. Therefore, unless otherwise permitted by the Village, employees may not orally solicit or distribute written materials for any organization, fund, activity or cause to other employees in work areas while either employee is on working time. Employees may solicit other employees or distribute written materials before or after the normal work day, during normal break or lunch times or any other time when they are not working.

18.14 Enforcement. A determination that an elected public officer's actions constitutes improper conduct under the provisions of this Section may constitute a cause for sanctioning, censuring, or removing the officer, or other disciplinary action by the Board, as permitted by laws. Removals may be made only by an affirmative vote of three-fourths (3/4) of all the members of the Village Board. Sanctions and censures may be made only by an affirmative vote of two-thirds (2/3) of the members of the Village Board present. A determination that an public employee's actions constitutes improper conduct under the provisions of this Section may constitute a cause for disciplining or discharging the employee, or other disciplinary action by the Village Board as permitted by law. A determination that an appointed member of a Board, Committee, or Commission's actions constitutes improper conduct under the provisions of this Section may constitute a cause for the Village President or other appointing authority to consider removing the member from the Board, Committee, or Commission. [Ord. 576 07/07]