

**SHEBOYGAN COUNTY    ORDINANCE NO. 07 (2012/13)**

Re:    **Revising Ethics Code**

**WHEREAS**, Sheboygan County is undertaking a comprehensive review of its Employee Policies and Procedures Manual, and

**WHEREAS**, portions of the Ethics Code that address ethics obligations of employees ought more appropriately be dealt with in the Employee Policies and Procedures Manual, and

**WHEREAS**, other provisions of the Ethics Code need refining and updating;

**NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1.    **Revising Ethics Code.** Section 1.13 of the Sheboygan County Code of Ordinances is hereby amended as follows (highlighting indicates additions; strikeouts indicate deletions):

1.13    CODE OF ETHICS. ~~The provisions of Wis. Stat. § 19.59, as amended, Code of Ethics for Local Government Officials, Employees and Candidates, are adopted by reference as if fully set forth.~~ Pursuant to the authority granted under Wis. Stat. § 19.59(1m) Sheboygan County adopts this Code of Ethics. This Code of Ethics is adopted to further the goals that public officials ~~and employees~~ be impartial, that public office not be used for personal gain, and that the public have confidence in the integrity of their governmental bodies. This Code of Ethics shall apply to all full-time and part-time elected ~~and appointed~~ County officials ~~and employees~~.

(1)    **Ethics Board.** The Executive Committee of the Board of Supervisors shall constitute the Ethics Board and shall administer and enforce this Code of Ethics. The Chairperson of the Executive Committee shall serve as chair of the Ethics Board, and in the absence or inability to serve ~~of~~ ~~as~~ the Chairperson, the Vice-Chairperson shall serve as Ethics Board chair. If a member of the Executive Committee is the subject of investigation by the Ethics Board or abstains from participation, the Chairperson shall designate another Supervisor to serve on the Ethics Board for such investigation. The Ethics Board may issue subpoenas, administer oaths, and investigate any violation of this Ordinance on its own motion or upon complaint by any person. The Ethics Board is the exclusive entity for the determination of violation of the Code of Ethics as to elected County officials. The Ethics Board shall establish operating rules to assure that persons accused of violating the Code of Ethics shall be given a fair hearing process. Complaints received by the Ethics Board with respect to County employees shall be referred to the County Administrator for handling pursuant to Section 2.23 of the County Code. The Ethics Board may call upon the Corporation Counsel, ~~Administrative Coordinator~~ ~~County Administrator~~, or other County staff for consultation and clerical support. The Ethics Board shall determine on a case-by-case basis whether its investigations, meetings, and findings are closed in whole or in part to the public.

- (2) Advisory Opinions. The Ethics Board may issue advisory opinions to any County official or employee who wishes to have an advance determination as to whether a particular action would be prohibited by the Code of Ethics. The Ethics Board may delegate to the Corporation Counsel the responsibility of issuing advisory opinions. Advisory Opinions shall be confidential as required by Wis. Stat. § 19.59(5).
- (3) Violations. ~~Violation of the Code of Ethics may constitute grounds for discipline if the violator is an employee, or private or public censure if the violator is an elected official. If the violator is an employee and the Ethics Board determines that a violation has occurred, the Ethics Board shall determine the appropriate disciplinary action after consultation with the employee's Liaison Committee. If the violator is an elected official, the Ethics Board may issue a private or public reprimand, or it may recommend to the County Board that public censure be made. A finding of a violation of the Code of Ethics by the Ethics Board shall constitute grounds for a public or private reprimand of an elected official by the Ethics Board and/or for a referral of a resolution of public censure to the full County Board, and/or a public reprimand and a referral of the matter to the District Attorney for political prosecution.~~
- (4) Prohibited Activity.
- (a) Conduct Constituting Violation. Conduct which constitutes a violation of Wis. Stat. § 19.59(1)(a), (b), (br), and (c) is a prohibited activity under this Code of Ethics.
- ~~(a)~~(b) Use of Public Property. No County ~~elected official or employee~~ shall use or permit the unauthorized use of County-owned vehicles, equipment, materials, or other property for personal convenience or profit. Authorization to use shall be determined by the Liaison Committee through the provisions of Chapter 58 for County-owned vehicles.
- ~~(b)~~(c) Favoritism. No County ~~elected official or employee~~ shall grant any special consideration, treatment, or advantage to any person beyond that which is available to other persons. This provision is not intended to prohibit elected officials from being more solicitous to their constituents than to non-constituents.
- ~~(c)~~(d) Disclosure of Confidential Information. No County ~~elected official or employee~~ shall, without proper legal authorization, disclose confidential information obtained in the course of service to the County nor use such information to advance the financial or other private interest of self or others. By way of illustration, "confidential information" includes matters that are ~~restricted by law from public disclosure such as medical records and certain juvenile records; and matters~~ discussed or presented during a closed meeting of any Committee or Board that are not part of the public record of the Committee or Board ~~or matters disclosed in~~

relation to deliberating or negotiating the purchase or sale of County property or deliberating or negotiating County contracts.

~~(d)~~(e) Gifts and Favors. No County elected official ~~or employee~~ may solicit or accept anything of substantial value, including gifts and favors, from any person who is known to be interested, directly or indirectly, in any business dealings with the County. Furthermore, no County elected official ~~or employee~~ may solicit or accept anything of substantial value including gifts and favors that may create the perception of influence on the recipient in the discharge of County duties or create the perception that the recipient is being rewarded for action or inaction.

1. Definition of "Substantial Value." "Substantial value" is defined as Twenty Dollars (\$20.00) per occurrence or Fifty Dollars (\$50.00) per calendar year.

2. Examples of Matters Included. This section shall apply to admission tickets to sports or entertainment events; meals and beverages; accommodations at a hotel or resort; ceremonial or business-related events such as groundbreakings, receptions, grand openings, conferences, outings, and parties; receipt of mementos such as coffee cups, pens, pencils, note pads, paperweights, or all other matters not excluded below.

3. Matters Excluded. This section does not apply to compensation and expenses paid by the state, United States, or County; fees, honoraria and expenses paid for attendance, presentations, or other participation in a professional organization, conference or seminar; attendance or participation at events or functions on County property or sponsored or sanctioned by the County; and gifts from family and friends where there can be no perception that the gift might influence the recipient in the discharge of County duties.

~~(e) Representing Other Interests. No County official or employee shall appear on behalf of any organization, company, other governmental body, or any person other than self, spouse, or minor children before any County Committee, commission, Board, or other authority. This provision shall not restrict the right of a County Supervisor to appear before County bodies on behalf of constituents.~~

(f) Failure to Abstain. No County elected official shall fail to abstain from voting or participating in a matter pursuant to Section 2.22 of the County Code if the elected official has a conflict of interest otherwise deemed illegal under state law or this Code of Ethics.

(5) Interpretation. To the extent that conduct prohibited under Subsection (4)(a) hereof is more restrictive than the conduct prohibited under Subsections (4)(b), (c), (d), and (e) hereof, the less restrictive prohibitions will be controlling.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of September, 2012.

**EXECUTIVE COMMITTEE**

Roger L. Te Stroete  
Roger L. Te Stroete, Chairperson

Thomas Wegner  
Thomas Wegner, Vice-Chairperson

William C. Goehring  
William C. Goehring, Secretary

Peggy Feider  
Peggy Feider

George Marthenze  
George Marthenze

ENACTED 10.23.2012

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