
Chapter No. 900 - Corporation Counsel

Ordinance No. 900 Ethics

Ordinance No. 901 Records Retention

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**WOOD COUNTY ORDINANCE #900
CODE OF ETHICS**

Chapter 900 .01 DECLARATION OF POLICY

The proper operation of democratic government requires that supervisors, officials, and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain or political advantage; 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 supervisors, 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 or the Constitution of the State of Wisconsin.

Chapter 900 .02 PURPOSE

The purpose of this code is to establish ethical standards of conduct for all county officials and employees by identifying those acts or actions that are not compatible with the best interest of the county. Because representatives of the county are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as county officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for county officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.

County officials and employees have a right to:

- (1) engage in employment and professional or business activities, other than official duties, in order to support themselves and their families;
- (2) maintain continuity in their professional or business activities;
- (3) Maintain investments or activities which do not conflict with specific provisions of this code.

The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principals and are deemed to be in the best

interest of the public. It is the intent of the county that the operations of the Ethics Committee shall strive to protect to the fullest extent possible the rights of individuals affected.

Chapter 900 .03 DEFINITIONS

- (1) **"Anything of value"** means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, which could reasonably be expected to influence the actions of the recipient. It is a rebuttable presumption that anything valued at \$25. or less would not reasonably be expected to influence an individual's judgement.
- (2) **"Employee"** shall mean all persons filling an allocated position of county employment and all members of boards, committees and commissions not included within the definition of official or supervisor.
- (3) **"Financial Interest"** shall mean any interest that will yield, directly or indirectly, a monetary or other material benefit to the office, to the supervisor, official, or employee, or to any person employing or retaining the services of the supervisor, official, or employee, except as permitted by section 946.13, Wisconsin Statutes.
- (4) **"Immediate Family"** shall mean any individual related to a supervisor, official, or employee as husband, wife, son, daughter, father, mother, sister, or brother.
- (5) **"Official"** shall mean all county department heads or directors and all county elected officers, except judges, county board supervisors and district attorneys.
- (6) **"Person"** shall mean any person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, or organization.
- (7) **"Personal Interest"** shall mean any interest arising from blood or marriage relationship.
- (8) **"Privileged Information"** shall mean oral or written 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. (e.g. Chapter 19 Open Meeting Law, Chapter 905 Privileges, Juvenile Court Matters).
- (9) **"Supervisor"** shall mean any county board supervisor.
- (10) **"Valuable Gift"** shall mean any gift, service, loan, thing or promise given with the

intent to influence a supervisor's, official's or employee's actions, but does not include reasonable fees and honorariums, actual and necessary expenses incurred in public meetings or speaking engagements or the exchange of seasonal, anniversary, or customary gifts among relatives and friends.

Chapter 900 .04 MARGIN OF RESPONSIBILITY OF PUBLIC OFFICE

Supervisors, officials, and employees are agents with 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 interest must be their primary concern. Their conduct in their official affairs should strive to be above reproach so as to foster respect for all government.

Chapter 900 .05 FAIR AND EQUAL TREATMENT

(1) Use of Public Property. No supervisor, 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.

~~Notwithstanding the above, deputy sheriffs shall be allowed the personal use of county-owned squads, as set forth in the Civil Service Ordinance. Repealed eff. 1/1/03 per Ordinance 02-1-17.~~ The Sheriff and Undersheriff shall be allowed personal use of county-owned squads within Wood County and adjacent counties.

(2) Obligation to Citizens. No supervisor, official, or employee shall grant any special consideration, treatment or advantage, to any citizen beyond that which is available to every other citizen. This provision does not affect the duty of a county supervisor to diligently represent their constituency.

Chapter 900 .06 CONFLICT OF INTEREST

(1) **Financial and Personal Interest Prohibited.** No supervisor, official, or employee

shall engage in any business or transaction or shall act in regard to financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or which would tend to impair his/her judgment or action in the performance of his/her official duties.

(2) Special Conflicts Enumerated. Conflicts of interest prohibited under this section shall include, but not be limited to the following:

A. Incompatible Employment. No supervisor, official, or employee shall engage or accept private employment or render service for private interest when such employment or interest is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties unless permitted by law.

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

C. Gifts and Favors. No supervisor, 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/her vote, governmental actions or judgments or could reasonably be considered as reward for any governmental action or inaction.

D. Nepotism. No supervisor shall serve on any committee or board which directly is involved with the supervision of a department in which an immediate family member is employed or vote in committee or on the county board floor on questions relating to immediate family members.

No employee shall be employed within the department in which an immediate family member is a department head or serves in a direct supervisory position. Any such relationships existing prior to October 13, 1981 shall not be affected.

E. Contracts of the County. Except as otherwise provided by Sec. 946.13, Wis. Stats., no supervisor, official or employee shall, in his/her private capacity negotiate a bid for or enter into a contract in which he/she has a private pecuniary interest, direct or indirect, if at the time he/she is authorized or required by law to participate in his/her capacity as such officer or as such supervisor in the making of that contract which perform and contract some official function requiring the exercise of discretion of his/her part, nor shall any supervisor in his/her official capacity participate in the making of a contract in which he/she has a private

pecuniary interest, direct or indirect, or perform in regard to that contract some function requiring the exercise of discretion on his/her part. A violation of Sec. 946.14 Wis. Stats., shall also constitute a violation of this code.

F. Disclosure of Interest in Legislation. Any member of the board of supervisors who has a financial or personal interest in any proposed legislation before the board of supervisors shall disclose on the records of the board of supervisors, or of the Ethics Committee, the nature and extent of such interest. A supervisor shall abstain from participating in debate and voting if the matter under consideration involves his/her personal or financial interest to the extent that such interest conflict with his/her official duties or would impair his/her independence of judgment.

Chapter 900 .07 COMPLIANCE WITH STATE STATUTES

The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

- (1) Section 19.01 - Oaths & Bonds
- (2) Section 19.21 - Custody and Delivery of Official Property & Records
- (3) Section 19.81 - 19.89 - Open Meeting of Governmental Bodies
- (4) Section 946.13 - Private Interest in Public Contract Prohibited.

Supervisors, 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.

Chapter 900 .08 ETHICS COMMITTEE

There shall be a Wood County Ethics Committee to consisting of five (5) members. The membership of the Ethics Committee shall consist of two (2) citizens, two (2) county employees, one of which shall be a Union member, and one (1) supervisor. The Corporation Counsel shall provide necessary staff assistance to the Committee and shall serve as its secretary but he/she shall not vote. The Corporation Counsel shall furnish the

committee with whatever legal assistance is necessary to carry out its function.

The members of the Ethics Committee shall be appointed by the County Board Chairman and Vice-Chairman from a list of names provided by the Community, subject to Board approval. The Committee will be drawn from as broad a base as possible. Terms of office shall be three (3) years. If the status of any member changes, such member's resignation will be accepted immediately and reappointment made pursuant to this paragraph for the unexpired term.

The Ethics Committee shall elect its own chairman and vice- chairman and may shall develop written rules and procedures and forms, copies of which shall be filed in the office of the County Board Chairman. Such rules of procedure shall be submitted to the County Board for approval.

A quorum of the Ethics Committee shall be (3) members. A majority vote of those committee members present and participating (not abstaining) at any meeting shall be required for any action taken by the committee.

The Ethics Committee shall have the right to go into closed session, as provided for by Wisconsin State Statutes. Closed sessions of the Ethics Committee will be limited to the committee members, necessary staff and any other person whose presence is necessary to the business at hand, as determined by the committee.

The Ethics Committee may make recommendations with respect to amendments to the Wood County Code of Ethics Ordinance.

The Committee shall accept from any identified person, or make upon its own motion, a verified complaint in writing, which shall state the name of the supervisor, official, or employee alleged to have committed a violation of this Code of Ethics and which shall set forth the particulars thereof. The Committee shall forward within ten days a copy of the complaint to the supervisor, official, or employee who is accused. The Ethics Committee shall independently initiate investigations of possible violations of the Ethics Code only after the supervisor(s), officials(s), or employee(s) involved is so notified in writing of the complaint and the nature and purpose of the investigation.

The Ethics Committee shall conduct a fair and impartial investigation of alleged violations of the Ethics Code, and if it determines no violation occurred, the matter shall be terminated with an appropriate communication to the complainant and accused. If the Ethics Committee determines there is probable cause to believe the Ethics Code has been violated it may, in its discretion, take one or more of the following courses of action:

(1) If the suspected party admits to a violation of the Ethics Code or declines to contest the probable cause finding, then the Ethics Committee shall determine the appropriate course of action and penalty, if any.

(2) If the Ethics Committee is of the belief that the alleged violation is criminal in nature, it may refer the matter to the District Attorney's Office.

(3) The Ethics Committee may commence an action in the name of the County of Wood seeking a forfeiture, writ of mandamus, injunction or other appropriate action in a proper court of record.

(4) The Ethics Committee may announce that it will conduct a hearing on the allegation(s).

A. The Ethics Committee shall give the complainant and the accused at least 21 calendar days notice of the hearing; said notice to be in writing and sent by regular United States mail.

B. The accused may be represented by counsel of his or her own choosing; the Ethics Committee will not provide the accused counsel nor pay for his or her legal representation.

C. The accused and his or her representative, if any, shall have an opportunity to examine all documents and records to be used at a hearing under this section at a reasonable time prior to the date of the hearing.

D. During the hearing the parties shall have the opportunity to present witnesses, confront and cross-examine adverse witnesses, to rebut and offer counter-vailing evidence, and establish all pertinent facts. The evidence presented shall be limited to the scope of the allegation(s) made.

E. The burden of proving the allegation(s) shall be on the complainant. Violations of the Ethics Code shall be proven by clear, satisfactory and convincing evidence.

F. The Ethics Committee shall keep a record of the hearing. The Ethics Committee shall have the power to compel the attendance of witnesses and to issue subpoenas.

G. Within 14 calendar days of the conclusion of the hearing, the Ethics Committee shall complete its written findings of fact, conclusions of law and recommendations, signed by all participating Ethics Committee members, which shall be mailed to the accused and the complainant.

H. If the accused does not agree with the decision of the Ethics Committee, he or she shall have a right to appeal said decision to an Ad Hoc Committee designated by the Wood County Administrative Committee. Such appeal must be made in

writing, within 20 calendar days of the decision of the Ethics Committee being mailed to the accused. The Ad Hoc Committee shall base its review of the Ethics Committee's determination upon a transcript of the proceedings and all of the evidence of record, as well as the written request of the accused for the review as to why the appeal was requested.

I. No recommendation of the Ethics Committee shall be effective until 20 calendar days after the decision is mailed to the accused, or the conclusion of an appeal of the decision, whichever is later.

The Ethics Committee shall have the power to compel the attendance of witnesses and to issue subpoenas granted other Boards and Commissions under §885.01(3), Wis. Stats.

The Ethics Committee shall have the authority pursuant to Wisconsin Statutes, to maintain records of its opinions, opinion requests and deliberations that are closed to the public, in a closed manner, unavailable to public inspection. The Ethics Committee will make such records public with the consent of the individual requesting the opinion. The Ethics Committee may make public a summary of an advisory opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals and departments involved.

(5) Retribution is Prohibited. No County official or employee shall discriminate against any person because they have filed a complaint with the Ethics Committee, made an anonymous report via the fraud hotline, or has otherwise participated in the investigation of an alleged violation of the Ethics Code.

Chapter 900 .09 APPLICABILITY OF CODE

Any supervisor, official or employee may refer to the Ethics Committee, in writing, any question pertaining to the interpretation or application of the Code of Ethics. The Ethics Committee shall give written reply to such questions as a guide to other supervisors, officials, or employees. The supervisor, official, or employee shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of the provisions of the Code of Ethics before such opinion is issued. This code shall be operative in all instances covered by its provisions except when superceded by an applicable statutory provision and statutory action is mandatory, or when the application of the statutory provision is discretionary but determined by the Ethics Committee to be more appropriate or desirable.

Chapter 900 .10 PENALTY AND SANCTIONS

Any supervisor, official, or employee violating the provisions of this Code of Ethics shall be subject to reprimand, censure, discipline, including discharge, or civil prosecution in a

court of record.

Any supervisor, official, or employee violating the provisions of this Code of Ethics and convicted in a Court of record shall be indebted and required to pay to the County of Wood a forfeiture of not less than \$25.00 nor more than \$200.00 together with taxable costs.

Chapter 900 .11 SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Chapter 900 .12 PERSONNEL POLICY, COLLECTIVE BARGAINING AGREEMENTS, AND CIVIL SERVICE ORDINANCE

This Code of Ethics as adopted for County officials and employees is subject to the Wood County Personnel Policy, Collective Bargaining Agreements, and the Civil Service Ordinance.

Chapter 900 .13 CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Chapter 900 .14 EFFECTIVE DATE

This ordinance, as amended, is effective upon passage and publication.

- Chapter 900.081-Fraud Hotline, was in effect January 1998 through Dec 31, 1998 and was removed by Ordinance 99-1-11 at the January 19, 1999 Co. Brd meeting.