

Chapter 61
CODE OF ETHICS

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[HISTORY: Adopted by the Village Board of the Village of Fall Creek 4-13-2006 as Ch. 61, Secs. 61.1 through 61.10. Amendments noted where applicable.]

§ 61.1. 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 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 and pursuant to §§ 19.59 and 61.34, Wis. Stats., there is hereby established a code of ethics for all Village officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village. The purpose of this 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 Village and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. This code is hereby declared to be in the best interest of the Village.

§ 61-2. State Standards of Conduct. Incorporated by reference.

The following sections of the Wisconsin Statutes are made a part of this Code of Ethics as if fully set forth herein:

- 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

§ 61-3. Responsibility of Public Office.

Public officials and employees are agents of 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 to impartially carry out all laws of the nation, state, and Village and to observe 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.

§ 61-4. Loyalty to Office and Scope of Employment.

All public officials and employees of the Village shall operate within the scope of the powers delegated by law, ordinance, or job description to the elected or appointive office or position of employment which they fill.

§ 61-5. Fair and Equal Treatment.

- A. Use of Public Property. No official or employee shall permit or engage in the unauthorized use of Village-owned vehicles, equipment, materials, or property for personal convenience or profit.
- 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.

§61-6. Conflict of Interest.

- A. Financial and Personal Interest Prohibited. No official or employee, whether paid or unpaid, shall engage in any business or other transaction or act with respect to financial or other personal interests, direct or indirect, in a manner which is incompatible with the proper discharge of official duties or is contrary to the provisions of this ordinance or which would tend to impair independence of judgment or action in the performance of official duties.

B. Definitions.

FINANCIAL INTEREST – Anything which shall yield, directly or indirectly, a monetary or other material benefit to an officer or employee or to any person employing or retaining the services of an officer or employee.

PERSONAL INTEREST – Any interest arising from blood or marriage relationship or from close business or political associations, whether or not any financial interest is involved.

PERSON – Any person, corporation, partnership, or joint venture.

C. Special conflicts enumerated.

- (1) 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 official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (2) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Village, nor shall such information be used to advance the financial or other private interest of the official or employee or others.

- (3) Gifts and Favors. No official or employee shall accept any gift, whether in the form of a service, loan, thing, or promise from any person which may tend to impair his or her independence of judgment or action in the performance of his or her duties or grant to anyone in the discharge of his or her duties any improper favor, service, or thing of value. Any official or employee who receives, directly or indirectly, any gift or gifts having an aggregate value of more than \$50 within any calendar year from any person who is known by said official or employee to be interested directly or indirectly in any manner whatsoever in business dealings with the Village upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control, shall disclose the nature and value of such gifts to the Ethics Committee by January 20 next following the year in which the gift or gifts are received.

No official or employee may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonably 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.

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 Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings, and similar events is excluded from this prohibition. This paragraph 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.

Gifts received by an official or employee shall be referred to the Ethics Committee within 10 days of receipt for recommended disposition.

- (4) Representing Private Interests before Village Agencies. No officer or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor dependent children) before any Village agency. However, members of the Village Board may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public obligations.
- D. No official or employee of this Village shall participate in the selection, award, or administration of a contract awarded by the Village if a conflict of interest, real or apparent, would be involved. Such a prohibited conflict arises when the official or employee, any member of his or her immediate family, or a partner, or an organization which employs, or is about to employ, any of the above has a financial or other interest in the award of the contract.
- E. Contracts with the Village. No official or employee who in his or her official capacity participates in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the

exercise of discretion on his part, shall enter into any contract with the Village except as is permitted under § 946.13, Wis. Stats., unless:

- (1) The contract is awarded through a process of public notice and competitive bidding, or
- (2) The Village Board waives the requirement of this section after determining that it is in the best interest of the Village to do so.

The provisions of this Section shall not apply to the designation of a public depository of public funds.

- F. **Disclosure of Interest in Legislation.** Any member of the Village Board who has a financial interest or personal interest in any proposed legislation shall disclose on the records of the Village Board the nature and extent of such interest.

Any other official or employee who has a financial interest or personal interest in any proposed legislative action or of the Village Board upon which action the official or employee has any influence or input shall disclose to the Village Board the nature and extent of such interest.

§ 61-7. Advisory Opinion.

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems it necessary or appropriate, may request an advisory opinion from the Village Attorney.

§ 61-8. Jurisdiction and Application.

The Village Board shall have administrative jurisdiction over this Code of Ethics and shall be deemed the Ethics Committee for that purpose.

- A. The committee may make recommendations with respect to amendments to this code of Ethics.
- B. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this ordinance, the committee shall conduct an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the committee shall conduct a public hearing in accordance with the common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses, and to present testimony and other evidence in support of the accused’s position and an opportunity to be represented by counsel or other representative at the expense of the accused. The committee shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.
- C. In the event a member of the Village Board is allegedly involved in an ethics code violation, the Village President, subject to the confirmation of the Village Board, shall

appoint a third person, who is an official or employee of the Village, to temporarily replace the member of the committee who is under investigation.

- D. In the event 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.

§ 61-9. Sanctions.

A determination that an official's or employee's actions constitute improper conduct under the provisions of this ordinance may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

§ 61-10. Distribution of Code of Ethics.

The Village Clerk shall cause a copy of this Code of Ethics to be distributed to every official and employee of the Village within thirty (30) days after enactment of this Code as well as to each public official and employee elected or appointed, entering upon his or her duties.

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.