

2.01.18. - Code of Ethics.

(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 has confidence in the integrity of its government. In recognition of these goals, there is established 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. 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 interest of the City and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the City and are promulgated under the authority granted to the City pursuant to Wis. Stats. § 19.59(1).

(2) *Standards of conduct.* There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes are made a part of this code of ethics and shall apply to public officials and employees whenever applicable:

Section 946.10 Bribery of Public Officers and Employees

Section 946.11 Special Privileges from Public Utilities

Section 946.12 Misconduct in Public Office

Section 946.13 Private Interest in Public Contract Prohibited

(3) *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 and 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.

(4) *Responsibility of public office.* No official or employee shall request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.

(5) *Fair and equal treatment.* 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 request either directly or indirectly any special consideration, treatment, or advantage from any other official, employee or any citizen beyond that which is available to every other citizen.

(6) *Conflict of interest.*

(a) *Definitions.*

Anything of value includes money or property, favor, service, payment, advance, forbearance, loan or promise of future employment for himself or for his immediate family.

Confidential information is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City'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 Wis. Stats. § 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 knowledge imparted orally, recordings, and written documents or records.

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.

Immediate family includes spouse and children living at home.

Person means any person, corporation, partnership, or joint venture.

Personal interest means any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

(b) *Financial and personal interest prohibited.* No official or employee, 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.

(c) *Specific 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. No official or employee may use or disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of his official position or activities, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.
3. *Solicitation or acceptance prohibited.*
 - a. No official or employee shall solicit nor accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official action, or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. No official or employee shall grant, in the discharge of his duties, any improper favor, service or thing of value. Campaign contributions may be accepted if properly noted in Wisconsin campaign finance statements.
 - b. *Hospitality.* No official or employee, or member of the official's or employee's immediate family, shall accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be expected to influence the official's or employee's vote, official action, or judgment. An official or employee should discourage any member of his immediate family from accepting hospitality under such circumstances. Participation in groundbreakings, celebrations, grand openings, open houses, informational meetings, voter forums and similar events are excluded from this prohibition.

(d) *Representing private interests before City agencies or courts.* No officer or employee shall appear on behalf of any private person, other than himself or his spouse or minor children before any City agency or municipal court. However, members of the council may appear before City agencies on behalf of the constituents in the course of their duties as representatives of the electorate.

(e) *Contracts with the City.* No City officer or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion of his part, shall enter into any contract with the City unless it is specifically permitted under Wis. Stats. § 946.13.

(f) *Disclosure of interest in legislation.*

1. Any member of the council who has a financial interest or personal interest in any proposed legislation before the council shall disclose on the record of the council the nature and extent of such interest.
2. Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the council or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the council or the appropriate board, commission or committee the nature and extent of such interest.

(7) *Advisory opinion and summary opinion.*

- (a) Any questions as to the interpretation or application of any provision of this code of ethics shall be referred to the ethics board which, if it deems it necessary or appropriate, may request an advisory opinion from the City attorney.
- (b) The Ethics Board may, if it determines that its opinion in response to a request for an advisory opinion as to the interpretation or application of a provision of this Code of Ethics to certain fact situations would be of value to other officials or employees in terms of providing guidance or guidelines in future fact situations of a same or similar nature, issue a summary opinion setting forth what it deems to be appropriate conduct in such fact situation. Such summary opinion shall be drafted in such a manner that it does not disclose the identity of the individual whose original request prompted the issuance of such summary opinion.

(8) *Creation, jurisdiction and application of Ethics Board.*

- (a) There is created an Ethics Board to consist of five members. The membership of the board shall consist of five members of the community who are either residents or have a significant business/professional interest in the City and the affairs of the City. There shall be a council member appointed on a rotating basis to attend all

Ethics Board meetings whose role shall be as a nonvoting liaison with the council. The City Clerk shall provide necessary staff assistance to the board, shall serve as its secretary, but the Clerk shall not vote. The City Attorney shall furnish the board whatever legal assistance is necessary to carry out its functions.

- (b) The citizen members of the Ethics Board shall be appointed by the mayor, subject to confirmation by the Council. Terms of office of the citizen members shall be three years, except that when the initial appointments are made, one member shall be appointed for one year, one for two years and two for three years. The rotating Council member shall be appointed by the President of the Council, subject to confirmation by the Council. The citizen members shall not be elected officials, full-time appointed officials, and City employees nor shall they be immediate family members of any City official or employee. No citizen member shall serve on any other City board, committee, or commission.
 - (c) The board shall elect its own chair and vice chair and shall develop written rules of procedure which shall be submitted to the council for consideration and adoption. Initially the latest version of Roberts Rules of Order shall apply.
 - (d) The board may make recommendations with respect to amendments to this chapter, which recommendations shall be referred to the mayor for review and recommendation to the full council for consideration and adoption.
 - (e) Either upon its motion or upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this chapter, the Board shall conduct an investigation of the facts. If the investigation indicates there is no reasonable basis for justifying further investigation, the complaint shall be dismissed, and no further action shall be taken. If the investigation indicates that the improper conduct may be criminal in nature, the Board shall cease further proceedings and shall refer the matter to the appropriate authorities. If the investigation indicates there may be a reasonable basis for justifying further proceedings, the Board is empowered to carry out such further proceedings, including the issuance of subpoenas and the administration of oaths. The employee or official shall be afforded 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 official or employee whose conduct is the subject of the public hearing, and an opportunity to be represented by counsel or other representative at the expense of the official or employee. The board shall issue written findings of facts and conclusions of law concerning the propriety of the conduct of the subject official or employee and shall refer the matter to the Council for final disposition.
 - (f) In the event a member of the Board is allegedly involved in an Ethics Code violation, the mayor, subject to the confirmation of the Council, shall appoint another individual to temporarily replace the member of the board who is under investigation.
 - (g) In the event an employee who is covered under either a collective bargaining agreement or civil service regulation is allegedly involved in an Ethics Code violation, provisions in the respective collective bargaining agreement or civil service regulation shall prevail in the administration and interpretation of this Ethics Code if they are in conflict with the provisions of the Code.
 - (h) Notwithstanding Wis. Stats. § 19.35, the following records in the possession of the Board are not open for public inspection:
 - 1. Requests for advisory opinions or records obtained in connection with a request for an advisory opinion are not open to public inspection.
 - 2. Advisory opinions are not open for public inspection except those advisory opinions that do not disclose the identity of the individual whose original request for an advisory opinion prompted the issuance of such advisory opinions are open for public inspection.
 - 3. The Board may make advisory opinions which disclose the identity of the individual whose original request for an advisory opinion prompted the issuance of such advisory opinions open for public inspection with the written consent of the individual requesting the advisory opinion.
 - 4. Requests obtained or prepared by the Board in connection with an investigation are not open for public inspection, except that the Board shall permit inspection of records that are made public in the course of a public hearing held pursuant to subsection (e) of this Section.
 - (i) The following records in the possession of the board are open for public inspection:
 - 1. Summary opinions pursuant to subsection (7)(b) of this Section are open for public inspection.
- (9) *Sanctions.*
- (a) A determination that an elected official's actions constitute improper conduct under the provisions of this chapter may constitute a cause for sanctioning, censuring, or removing the official, or other disciplinary action

by the Council, as permitted by law. Removals may be made only by an affirmative vote of three-fourths of all the members of the Council. Sanctions and censures may be made only by an affirmative vote of two-thirds of the members of the Council present. A determination that an employee's actions constitutes improper conduct under the provisions of this chapter may constitute a cause for disciplining or discharging the employee, or other disciplinary action by the Council, 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 chapter may constitute a cause for the mayor or other appointing authority to consider removing the member from the board, committee, or commission.

- (b) Sanctions, including any disciplinary actions, that may affect employees covered under a collective bargaining agreement or civil service regulations, shall be consistent with the terms and conditions set forth in the applicable collective bargaining agreement or civil service regulations.
 - (c) As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this Section shall be subject to a municipal forfeiture of not less than \$100.00 nor more than \$1,000.00 for each violation.
- (10) *Distribution of Code of Ethics.* Each public official and employee elected, appointed, or engaged by the City shall be furnished a copy before entering upon his duties. The Human Resources Department shall distribute the Code of Ethics to all employees and elected officials; the City Clerk shall distribute the code of ethics to all citizen members of boards and commissions.
- (11) *Related interest statement.*
- (a) There shall be filled out and signed annually the following:

NAME AND ADDRESS
POSITION IN CITY GOVERNMENT
EMPLOYER AND ADDRESS
(if different than City of Rhinelander)

Business in which I or my immediate family (spouse and children) have a two percent ownership or managing interest in a business that does business with the City of Rhinelander.

- a. Business name
- b. Business address
- c. Principal business activity
- d. Relationship to business

(Use reverse of form for additional disclosures)

I have read and understand the above related interest statement and have disclosed all businesses in which I or my immediate family have a direct or indirect financial interest as identified.

Signature
Date

(b) The filing of the related interest statement shall be made (except the initial filing shall be done within 30 days from adoption hereof) between June 1 and June 30 of each year. The human resources department shall distribute the related interest statement to all employees and elected officials; the City clerk shall distribute the related interest statement to all citizen members of boards and commissions. The statement shall be filed by the following officers and employees:

- 1. Elected officials.
- 2. City employees.
- 3. Citizen members of boards and commissions.
- 4. Newly hired, appointed, or elected individuals in the categories described in Subsection (b)(3) of this Section, shall complete a related interest statement after confirmation of position.

(Ord. No. 10-12, 10-8-2012; Ord. No. 09-19, 1-13-2020)