

TITLE 2 - GOVERNMENT AND ADMINISTRATION

Chapter 6 - Ethical Standards

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2.6.1 Definitions.

2.6.1.01 In General

The definitions contained in Sec. 19.42, Wis. Stats. are adopted, so far as applicable, and made a part hereof.

2.6.1.02 Public Official

Means those persons defined in Sec. 19.42(7w), Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Town Chairperson and/or Town Board, whether paid or unpaid.

2.6.1.03 Public Employee

Means any person excluded from the definition of a public officer who is employed by the Town.

2.6.1.04 Candidate for Local Public Office

Means any person defined in Sec. 19.42(3s), Wis. Stats.

2.6.2 Declaration of Policy.

It is declared that high ethical standards among Town officials 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 Town in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such Town 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 Town officers and employees and their official actions.

2.6.3 Code of Ethics For Public Officials, Employees and Candidates.

In accordance with Sec. 19.59, Wis Stats. the following code of ethics is established. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this chapter, such federal statute, regulation, or terms of the financial assistance agreement shall govern. For purposes of this chapter, “Federal Financial Assistance” means Federal financial assistance that the Town receives or administers in the form of grants, cooperative agreements, non-cash contributions or other donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest, interest subsidies, subsidies, or insurance).

2.6.3.01 Financial Gain

No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using

the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Ch. 11, Wis. Stats.

2.6.3.02 Influence or Reward

No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

2.6.3.03 Vote or Official Action

No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under Sec. 11.05, Wis. Stats., or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

2.6.3.04 Except as Otherwise Provided in Section 2.6.3, No Local Public Official May:

- (A) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
- (B) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.
 - (1) The preceding paragraph does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.
 - (2) Paragraphs 2.6.3.01 through 2.6.3.04 above do not apply to the members of a local committee appointed under Sec. 289.33(7)(a), Wis. Stats. to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under Sec. 289.33, Wis. Stats., with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in

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an arbitration award or proposed award that is applicable to those parties.

2.6.4 Statutory Standards of Conduct.

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

2.6.4.01 Bribery of Public Officers and Employees
State Law Reference: Sec. 946.10, Wis. Stats.

2.6.4.02 Special Privileges from Public Utilities
State Law Reference: Sec. 946.11, Wis. Stats.

2.6.4.03 Misconduct in Public Office
State Law Reference: Sec. 946.12, Wis. Stats.

2.6.4.04 Private Interest in Public Contract Prohibited
State Law Reference: Sec. 946.13, Wis. Stats.

2.6.5 Specific Conflicts of Interest.

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

2.6.5.02 Conflicts of Interest; Disclosure of Interest
Except as provided herein, no public official or public employee shall engage in any business transaction with the Town, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public official 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 Town, or as part of his 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 Town 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 official or employee abstain from voting on the matter and from participating in the discussion of the matter.

2.6.5.03 Representing Private Interests
No public official or employee, including persons or firms engaged to provide professional services to the Town, shall represent, for compensation, private

interests before the Town Board or any village board, commission or committee without disclosure of the private business relationship and explicit consent of the Town Board.

2.6.5.04 Disclosure of Confidential Information

Public officials and employees shall not, without proper authorization of the Town Board, disclose confidential information concerning the property, government or affairs of the Town, nor shall they use such information to advance the financial or other private interest of themselves or others.

2.6.5.05 Gifts and Favors

No public official or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the Town, which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, pursuant to Ch. 11, Wis. Stats.

2.6.5.06 Outside Employment

No full-time employee of the Town shall engage in any other remunerative employment within or without the Town; unless the Town Board approves such outside employment or activity, finding that it does not interfere or conflict with the employee’s ability to perform his duties in an efficient and unbiased manner.

2.6.5.07 Advisory Opinion

Any questions as to the interpretation of any provisions of this Ethical Standards Chapter shall be referred to the Town Attorney for an advisory opinion.

2.6.5.08 Protection for Whistleblowers.

In accordance with 41 U.S.C. § 4712, the Town shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing information to a member of Congress or a representative of a committee of Congress; an Inspector General; the Government Accountability Office; a Treasury or other federal agency employee responsible for grant oversight or management; an authorized official of the Department of Justice or other law enforcement agency; a court or grand jury; a management official or other employee of the Town; or a Contractor or Subcontractor who has the responsibility to investigate, discover, or address misconduct that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

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