

98-01

Town of Sevastopol Code of Ethics

Section 1.0 - Declaration of Policy

The proper operation of town government demands that:

- (1) town officials and employees be independent, impartial and responsible to the people;
- (2) decisions be made in the proper channels of the town governmental structure;
- (3) town offices shall not be used for personal gain;
- (4) town business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a code of town ethics to establish ethical guidelines, render confidential opinions regarding what conduct is appropriate and redress violations under this code.

Section 2.0 - Purpose

The purpose of this code is to establish ethical standards of conduct for all town officials and employees by identifying those acts or actions that are not compatible with the best interest of the town. Because representatives of the town 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 town officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for town 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;

Town officials and employees have a right to:

- (a) engage in employment and professional or business activities, other than official duties, in order to support themselves and their families;
- (b) maintain continuity in their professional or business activities;
- (c) 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 principles and are deemed to be in the best interest of the public. It is the intent of the town that the operations of the Ethics Committee shall strive to protect to the fullest extent possible the rights of individuals affected.

Section 3.0 - Responsibility of Public Office

Town of Sevastopol officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin and the Town of Sevastopol. Further, they are bound to observe in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

Section 4.0 - Coverage

This code applies to all town officials, whether elected or appointed, paid or unpaid, including Town Board committees and commissions, department heads or other town employees.

Section 5.0 - Exemptions

Political contributions which are reported under Chapter 11, Wis. Stats., are exempt from the provisions of this code.

Section 6.0 - Definitions

Section 6.1. Person. Any individual, corporation, partnership, joint venture, association or organization.

Section 6.2. Financial Interest. Any interest which yields, directly or indirectly, a monetary or other material benefit to the town officer or employee or to any person employing or retaining services of the town officer or employee.

Section 6.3. Anything of Value. Any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but not such thing as compensation and expenses paid by the state, county or town, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, informational or educational materials of unexceptional value, plaques, other advertising give-aways or any other thing which is not likely to influence the judgment of individuals covered by this code.

Section 6.4. Privileged and Confidential Information. Any written or oral material related to town government, which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom, as privileged. Confidential Information is written material or oral information related to town government, which is not otherwise subject to the Open Records Law and which is designated by statute, ordinance, court decision, lawful order or custom, as confidential.

Section 6.5. Official. All Town Officials, as well as anyone appointed to serve on any Town Board committee or commission, whether or not compensation is received for such service.

Section 6.6. Employee. All persons filling an allocated position of town employment and all members of boards, committees, and commissions.

Section 6.7. Immediate Family. "Immediate family" means:

- (a) An individual's spouse; and
- (b) Father, mother, guardian; sister, brother, or children

Section 7.0 - Fair and Equal Treatment

Section 7.1. Use of Public Property.

An official or employee shall not use or knowingly permit the use of town services or town-owned vehicles, equipment, materials for non-governmental purposes, or for personal convenience or for profit.

Section 7.0 - Fair and Equal Treatment - Cont'd

Section 7.2. Obligations to Citizens.

An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of town officials to diligently represent their constituency.

Section 8.0 - Conflict of Interest

Section 8.1. Receipts of Gifts and Gratuities Prohibited.

An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may substantially impair his or her independence of judgement or action in the performance of his or her official duties.

Section 8.2. Exception.

It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

Section 8.3. Business Interest

An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:

- (a) is incompatible with the proper discharge of his or her official duties for the benefit of the public;
- (b) is contrary to the provisions of this code;
- (c) may substantially impair his or her independence of judgment or action in the performance of his or her official duties.

Section 8.4. Employment.

An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgement or action in the performance of his or her official duties unless otherwise permitted by law.

Section 8.5. Contracting.

Contracts with the town. No official or employee who in his or her capacity as such official or employee participates in the making of a contract in which such official or employee has a private pecuniary interest, direct, or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the town unless it is within the confines of the Wisconsin Statutes. Further, pursuant to S.946.13, Wis. Stat., an official or employee is prohibited from participating in the formation of a contract(s) with Town of Sevastopol involving the receipts or disbursements of more than \$7,500.00 in any year.

Section 8.6. Financial Interest in Legislation.

Any member of the town board, other officer or employee, who has a substantial financial interest in any proposed action before the town board shall disclose the nature and extent of such interest to the town clerk and the town board prior to or during the initial discussion of such action and shall abstain from voting on or debating the matter and refrain from personal involvement in the matter.

Section 8.0 - Conflict of Interest - Cont'd

Section 8.7. Disclosure of Privileged and/or Confidential Information.

An official or employee shall not knowingly disclose or permit the disclosure of privileged and/or confidential information to any person not lawfully authorized to receive such privileged and/or confidential information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

Section 8.8. Gifts and Favors.

An official or employee shall not accept, from any person or organization directly or indirectly anything of value without full payment, if it could reasonably be expected to substantially influence his or her vote, governmental actions or judgements or could reasonably be considered as a reward for any governmental action or inaction.

Section 9.0 - Compliance with State Statutes

Section 9.1. Statutes Incorporated by Reference.

The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics. Noncompliance with these statutory sections may be considered a violation under this code.

SS 19.01 Oaths and Bonds

SS 19.21 Custody and Delivery of Official Property and Records

SS 19.81-SS 19.89 Open Meetings of Governmental Bodies

SS 19.59 Codes of Ethics for Local Government Officials, Employees and Candidates.

Section 10.0 - Ethics Committee

Section 10.1. Creation and Composition of the Committee.

Pursuant to Section 19.59, Wis. Stats. there is hereby created an Ethics Committee to consist of 3 members: 1 town supervisor, and 2 laymembers or citizens, appointed by the town chairman, subject to confirmation by the Town Board. The Town Supervisor will chair the Ethics Committee unless he or she designates another to serve in that capacity. The citizen members shall be chosen from the private sector and shall not be affiliated with the Town government in any capacity, including but not limited to, employment, appointment, or election. The terms of office of all members, shall be for a period of one year. The appointment of all members of the Ethics Committee shall take place at the regular May meeting of the Town Board. The Town's legal Counsel shall furnish the Ethics Committee with whatever legal assistance is necessary to carry out its functions. If the conduct of a member of the Ethics Committee is subject to inquiry under the terms of this Ordinance, then such member shall not be eligible to consider the matter and an alternate for that matter shall be appointed by the Town Board Chairperson. If the conduct of the Town Ethics Committee Chairperson is subject to inquiry under the terms of this ordinance, then the Town Ethics Committee Chairperson shall not be eligible to consider the matter and an alternate for that matter shall be appointed by the remaining members of the Ethics Committee from the membership of the body of the Sevastopol Town Board. Following the appointment of such alternate, the members of the Ethics Committee shall appoint one of their members as Chairperson. The members of the committee, when acting on a grievance shall be compensated in accordance with the rates set by the Sevastopol Town Board.

Section 10.2. Advisory Opinions.

Any person governed by this code may apply in writing to the Ethics Committee for an advisory opinion regarding their conduct or proposed conduct and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of the provision of this Code before the advisory opinion is rendered. All opinions shall be in writing and adopted by the Committee by resolution. The Committee's deliberation and action upon such applications shall be in meetings not open to the public, but notice of such meetings shall be given pursuant to SS 19.84, Wis. Stats. Records of the Committee's opinions, opinion requests and investigations of violations shall be closed to public inspection, as permitted by Chapter 19, Wis. Stats. The board, however, may make such records public with the consent of the applicant. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person, waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the Town Ethics Committee, or the town's attorney in connection with the request for an advisory opinion. The fact that a person seeks an advisory opinion, and abides by the material facts as stated, is evidence of intent to comply with the code or any local ordinance.

Section 10.3. Complaints.

The Committee shall accept from any person a notarized complaint, which states the name of the officer or employee alleged to have committed a violation of this code and sets forth the material facts involved in the allegation. The Committee shall forward a copy of the complaint to the accused officer or employee within ten (10) days.

Section 10.4. Investigations.

Following the receipt of a notarized complaint, the Ethics Committee may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated, and a statement of such person's due process rights.

Section 10.5. Informal Conference.

As part of the investigation process the Ethics Committee may conduct informal conference(s) with the accused and/or the complainant. The conference shall be conducted in executive (closed) session. The purposes of such a conference include communication of the preliminary results of the investigation to date, provision of a venue for frank discussion, aiding in the formation of decision and determining whether further action is warranted.

Section 10.6. Right to Representation

During all stages of an investigation or proceeding conducted under this section, the accused, or any person whose activities are under investigation, shall be entitled to be represented by counsel of his own choosing, at his or her own expense.

Section 10.7. Due Process.

The accused or his/her representative shall have an adequate opportunity to:

- (a) examine all documents and records to be used at the informal conference under Section 10.5 at a reasonable time before the date of the conference, as well as during the conference;
- (b) present witnesses;
- (c) establish all pertinent facts and circumstances; and
- (d) question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

Section 10.8. Vote of the Committee.

A 2/3 vote of the Committee shall be required for any action taken by the Committee.

Section 11.0 - Violations and Penalties

Section 11.1. Violations and Penalties.

If the Committee finds that a violation of the ethics code has occurred, the Committee may recommend to the Town Board that:

- The officer or employee conform his or her conduct to the ethics code.
- (or) The official or employee be censured, suspended or removed from the office.
- (or) The Town Board submit a complaint to the District Attorney for enforcements.

TOWN OF SEVASTOPOL ETHICS CODE

ORDINANCE No. 98-01

Submitted by:

Committee Members:

William A. Kiehnau

William A. Kiehnau
Everett Roberts
Carl Scholz

William A. Kiehnau, Supervisor

This Ordinance shall take effect upon passage and the day following its publication.

BOARD MEMBERS	aye	nay	exc
Kiehnau	✓		
Olsen	✓		
Schley	✓		
Worrick	✓		
Zipperer	✓		

Certification:

I, Cari Schartner, Clerk/Treasurer of Sevastopol, hereby certify that the above is a true and correct copy of a resolution, *ORDINANCE* that was adopted on the 18 day of May, 1998, by the Town Board of Supervisors.

Cari Schartner

Cari Schartner
Clerk/Treasurer, Town of Sevastopol