

## VILLAGE OF BAYSIDE CONFLICT OF INTEREST STATEMENT

The following Conflict of Interest Statement applies to all Village of Bayside ("Village") elected public officials including the Village President and Village Trustees and also all appointed paid or unpaid part-time or full-time Village of Bayside officials (as defined in § 19.42(7x), Wis. Stats.), Village employees, members of a board, committee or commission of the Village and also any individual who is a candidate for public office by filing nomination papers with Village Clerk. (All of the above persons shall be referred to herein as "public officers and public employees").

1. Standards of Conduct. The following standards of conduct as set forth in the Wisconsin statutes and as incorporated in Section 2.21 of the Bayside Municipal Code (the Code of Ethics) shall be further incorporated in this Conflict of Interest Statement. No public officer or public employee shall:

- a. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization or one of more other persons with which the official is associated has a substantial financial interest. § 19.46(1)(a), Stats.
  - 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. (This does not prohibit a public officer or employee from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a public officer or employee from taking official action with respect to any proposal to modify a Village ordinance). § 19.46(2) and (3), Stats.
  - c. No public officer or public employee who directly or indirectly accepts or offers to accept any property or any personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer's or employee's lawful duty shall constitute a violation of this Conflict of Interest Statement. § 946.10(2), Stats.
2. Misconduct in Public Office. No public officer or public employee shall:

- a. Intentionally fail or refuse to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law;
  - b. In the officer's or employee's capacity as such officer or employee, do an act which the officer or employee knows is excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's officer capacity;
  - c. Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another;
  - d. In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report or statement which in a material respect the officer or employee intentionally falsifies;
  - e. Under color of the officer's or employee's office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law. § 946.12, Stats.
3. Private Interest in Public Contract. No public officer or public employee shall:
- a. In the officer's or employee's private capacity, negotiate or bid for or enter into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part;
  - b. In the officer's or employee's capacity as such officer or employee, participate in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or perform in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.
  - c. This section does not apply to the following:

- 1) Contracts in which any single public officer or employee is privately interested that do not involve receipts and disbursements by the Village aggregating more than \$15,000 in any year; or
- 2) Contracts involving the deposit of public funds in public depositories; or
- 3) Contracts for the publication of legal notices required to be published, provided such notices are published at a rate not higher than that prescribed by law; or
- 4) Contracts for the issuance to a public officer or employee of tax titles, tax certificates, or instruments representing an interest in, or secured by, any fund consisting in whole or in part of taxes in the process of collection, provided such titles, certificates, or instruments are issued in payment of salary or other obligations due such officer or employee; or
- 5) Contracts for the sale of bonds or securities issued by the Village; provided such bonds or securities are sold at a bona fide public sale to the higher bidder and the public officer or employee acquiring the private interest has no duty to vote upon the issuance of the bonds or securities. § 946.13, Stats.

4. Responsibilities of Public Office.

- a. Public officers 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 to carry out impartially the laws of the United States, Wisconsin and the Village and shall observe in their official acts the highest standards of morality and shall discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.
- b. All officers and employees should be loyal to the objectives expressed by the electorate and the programs developed to obtain these objectives. Officers and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- c. Officers and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officers and employees unless prohibited from doing so by law or by officerly recognized confidentiality of their work. § 2.21(d). Ethics Code.

5. Use of Public Property. No public officer or employee shall request, use or permit the use of Village owned vehicles, equipment, materials or property for personal convenience or profit. This provision shall not prohibit an officer or employee from requesting, using, or permitting the use of such vehicles, equipment, materials or property which under general practice is made available to the public at large or which is provided as stated in Village policy for the use of officers and employees in the conduct of official business. § 2.21(e). Ethics Code
6. Fair and Equal Treatment. No officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. § 2.21(f). Ethics Code
7. Nepotism. No employee or officer shall appoint or vote for the appointment of any person related to him or her by blood or marriage to any office, position, employment or duty when the salary, wages, pay or compensation is to be paid from village funds. § 2.21(g). Ethics Code
8. Conflict of Interest. No officer or employee shall engage in any business or transaction or shall act in regard to financial or other personal direct or indirect interest which is incompatible with the proper discharge of official duties in the public interest or which would tend to impair independence of judgment or action in the performance of official duties. § 2.21(h). Ethics Code
9. Voting. A public officer is disqualified from voting on any proposition in which he or she has a direct pecuniary or personal interest. Voting members of boards may abstain on a particular issue in order to avoid an actual or an appearance of a conflict of interest. It is recommended that those members of a board or committee who intend to abstain from voting on an issue state in advance their intention to abstain and the reasons therefore and further refrain from participation in any deliberation or debate on such issue.

**ACKNOWLEDGEMENT OF CONFLICT OF INTEREST**

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Name

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Date