Sec. 2-2. - Code of ethics.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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 means an individual's spouse; and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his support.

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

(b) *Penalty and sanctions.* Violations of any provisions of this section may constitute a cause for suspension, removal from office or employment or other disciplinary action.

(c) *Declaration of policy.* The proper operation of democratic government requires that:

(1) Public officials and employees be independent, impartial and responsible to the people;

(2) Government decisions and policy be made in proper channels of the governmental structure;

(3) Public office not be used for personal gain; and

(4) The public have 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. The purpose of this section 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 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 section and such rules and regulations as may be established are declared to be in the best interests of the city.

(d) *Responsibility for public office.* Public officials and employees are agents of public purpose and hold offices 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 standard of morality and to discharge faithfully the duties of their office regardless of personal consideration, recognizing that the public interest must be their prime concern. Their conduct in their official affairs should be above reproach so as to foster respect for all government.

(e) *Dedicated service.*

(1) All officials and employees of the city should be loyal to the objectives expressed by the electorate. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(2)

Officials 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 officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(f) *Fair and equal treatment.*

(1) *Use of public property.* No official or employee shall request or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit.

(2) *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.

(g) *Conflict of interest.*

(1) *Financial interest prohibited.* No local public official or employee may use his public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or his immediate family or for an organization with which he is associated. This subsection does not prohibit a local public official from using the title or prestige of his office to obtain campaign contributions that are permitted and reported as required by Wis. Stats. ch. 11.

(2) *Specific conflicts enumerated.*

a. *Incompatible employment.* No official or employee shall engage in or accept private employment or render service, for private interests, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this section.

b. *Disclosure of confidential information.* No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.

c. *Gifts and favors.* No official or employee shall accept any gift, whether in the form of service, loan, thing or promise from any person which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence such official or employee in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value, except campaign contributions as controlled by subsection (i) of this section. Gifts received under unusual circumstances should be referred to the ethics board within ten days for recommended disposition.

(3) *Contracts with the city.* No official or employee who in his capacity as such officer or employee participates in the making of a contract in which such officer 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 city unless, within the confines of Wis. Stats. § 946.13, the contract is awarded through a process of public notice and competitive bidding.

(4) *Disclosure of interest in legislation.* To the extent known, any member of the city council who has a financial interest in any proposed legislation before the council shall disclose on the records of the council the nature and extent of such interest. Any other official or employee who has a financial interest in any proposed legislative action of the council and who participates in discussion with or gives official opinions or recommendations to the council shall disclose on the records of the council the nature and extent of such interest.

(h) *Disclosure of certain financial interests.*

(1) All elected and appointed officials and employees as directed by the city council shall file an initial statement of economic interests and amend such statement if substantial changes have occurred in economic interests as defined and limited to subsection (h)(3) of this section, within a time period specified by the ethics board.

(2) If a person must make a disclosure as provided in subsection (h)(1) of this section, within seven days after such person becomes a candidate for any elective city office, prior to appointment to such office such person shall file a statement of economic interests or a statement as provided in subsection (h)(4) of this section with the ethics board.

(3) A person filing any statement of economic interests under this section shall file the statement on a form prescribed by the ethics board and shall supply the following information to the ethics board: a description of all parcels of real estate within the city and adjoining towns or villages in which the person or spouse owns any interest, including an option to purchase, if such property is to be considered for rezoning or purchase, if such property is to be considered for rezoning or purchase by an entity of government, but exempting homestead property. All candidates for elective and appointive office required to file under this section shall identify any and all interests of more than two percent or $7,500.00, whichever is lesser, he or his spouse has in any business organization, either as an owner, part owner, partner, silent partner or lender. The statement shall include a listing of all corporations or businesses on which the person or spouse serves as a director or on a consultation basis.

(4) Any candidate, elected or appointed official or employee who feels their standards of privacy would be compromised by a statement of economic interests may decline to offer such a statement. In lieu thereof, he shall initially file a statement with the ethics board of his knowledge and awareness of the requirements to disclose interest in legislation required under subsection (g)(4) of this section.

(i) *Campaign contributions.* Campaign contributions shall be reported by all candidates for city office in strict conformity with the provisions of statute. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the clerk, who shall forward a copy of such report to the ethics board.

(j) *Ethics board.*

(1) There is created an ethics board to consist of five members as follows: one alderperson as appointed by the mayor, one city officer or employee and three citizen members all appointed by the mayor and confirmed by the city council. Terms of office shall be three years. The ethics board shall elect its own chair and vice-chair, and the city attorney shall furnish the board whatever legal assistance is necessary to carry out its function. If any member of the ethics board petitions the board for a hearing and advice regarding his own conduct, such member shall be mandatorily excepted from sitting in his own case and the city attorney shall be substituted therefor.

(2) The ethics board may make recommendations to the city council with respect to amendments to this section.

(3) Upon the verified complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this section, the ethics board shall first conduct a private and confidential inquiry into the merits of the complaint. Upon a finding of probable misconduct by a majority of the ethics board, the ethics board shall conduct a public hearing in accordance with all common law requirements of due process and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official or employee. If the ethics board finds probable cause exists for action against an employee based on a violation of this section, it shall refer the matter for appropriate action to the council or district attorney. In making such referral, the ethics board shall supply the council or district attorney with a written statement of their determination.

(4) The ethics board shall be required to only report probable cause for misconduct when three-fourths of the members of the ethics board present and voting vote to do so.

(k) *Applicability.* When an official or employee has doubt as to the applicability of a provision of this section, such official or employee shall apply to the ethics board for an advisory opinion. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this section before such advisory decision is made. This section shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the ethics board to be more appropriate or desirable.

(Code 1986, § 1.12; Ord. No. 0-02-06, § 1, 1-24-2006; Ord. No. 0-17-06, § 1, 4-11-2006)