

DRAFT ETHICS CODE FOR ALL COUNTY ELECTED OFFICIALS AND
COUNTY EMPLOYEES

19.01-1 TITLE

This code shall be known as, referred to, or cited as the Kenosha County Code of Ethics.

19.02-1 DECLARATION OF POLICY

The proper operation of democratic government requires that Elected County Officials and County Employees be independent, impartial and responsible to the people; that government decisions and policies be made in proper channels of the government structure; that public elected office not be used for improper personal gain; and that the public have confidence in the integrity of its government. Kenosha County believes that a code of ethics for the guidance of all County Employees and Elected County Officials will help them avoid conflicts which are substantial and material between their personal interests and their public responsibilities. In recognition of these objectives, there is hereby established a Code of Ethics for all County Employees and Elected County Officials. The purpose of this code is to establish rules for ethical standards of conduct to assist public officials and employees in avoiding those acts or actions which are incompatible with the best interests of county government and by directing disclosure by such officials of private interests in matters affecting the county.

Specifically exempt from the provisions of this ordinance are volunteer citizen committee and commission members and the following State employees, who are governed by separate codes of ethics: Circuit Court Judges, the District Attorney and Assistant District Attorneys. Nothing herein contained is intended to deny to any individual rights granted by the United States Constitution, the Constitution of the State of Wisconsin, the laws of the State of Wisconsin.

19.03-1 RESPONSIBILITY OF PUBLIC OFFICE

Elected County Officials and County 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 the State of Wisconsin; to carry out impartially the laws of the nation, state and county; to observe in their official acts the highest standards of ethics; and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct and their official actions are to be above reproach so as to foster respect for all government.

All future Elected County Officials, County Employees and candidates for such positions shall be given notice of the fact that they will be subject to the provisions of this Code of Ethics as well as any financial disclosure requirements that they will be subject to and the need to reveal any potential or actual conflict of interests.

19.04-1 STANDARDS OF CONDUCT

- (1) Public Trust. Kenosha County hereby reaffirms that each Elected County Official and County Employee holds his or her position as a public trust and any effort to realize an improper personal gain through official conduct is a violation of that trust. Except as may be provided for herein, this section does not prevent any Kenosha County Elected Official or County Employee from accepting other employment

or following any pursuit which in no way interferes with the faithful discharge of his or her duties to this county. Kenosha County further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as Elected County Officials and County Employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for Elected County Officials and County Employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that Elected County Officials and County Employees may need to engage in employment, professional or business activities, other than their official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this section.

- (2) Use of Public Property. No Elected County Official or County Employee shall request or permit the use of county services or manpower or of county-owned vehicles, equipment, materials, facility or property for non-official purposes or personal profit unless in accordance with County policy.
- (3) Obligations to Citizens. All persons shall be treated fairly and impartially and without discrimination in accordance with the federal and state Constitution and laws.
- (4) Special Conflicts and Standards of Conduct Enumerated. Conflicts of interest prohibited under this section and expected standards of conduct by Elected County Officials and County Employees include:
 - (a) Disclosure of Confidential Information. No Elected County Official or County Employee shall, without proper legal authorization from the County Corporation Counsel or pursuant to a Court order or Court-approved subpoena, disclose legally confidential information as defined in this ordinance gathered in the course of his or her duties concerning the affairs of the county or of a citizen, nor shall he or she use such information to advance the financial or personal interest of himself or others.
 - (b) Incompatible Employment. No Elected County Official or County Employee shall engage in or accept private employment or render services for compensation for a private interest when such employment or service is consistently incompatible with the proper discharge of official duties or would impair the independence or judgment or action in the performance of official duties or would lessen the time to perform such duties. For County Employees, disclosure of all outside employment must be made to an immediate supervisor, disclosing the nature and extent of the outside employment prior to accepting such employment. Where employment is not consistently or inherently incompatible, the employee must avoid all county involvement in any matter where a conflict or appearance of a conflict or

impropriety may arise.

(c) Representing Private Interests Before County Agencies or Courts. No Elected County Official or County Employee shall represent, *as a paid advocate*, any private interests adverse to Kenosha County, other than for himself or herself, his or her spouse or children, before any county agency or department; nor, except as hereinafter provided, shall any Elected County Official or County Employee who is admitted to practice law in the State of Wisconsin represent as an advocate any private interests other than for himself or herself, his or her spouse or children, in any proceeding adverse to the county in any court without prior County authorization. Elected County Officials and County Employees who are licensed to practice law in the State of Wisconsin expressly may act as a criminal or ordinance defense counsel, Juvenile Court counsel, or as a Guardian ad Litem, only in conformity with State law and the Rules and Regulations of the State Bar of Wisconsin.

(d) Gifts, Favors, Raffles and Door Prizes. No person or organization may offer or give to an Elected County Official or County Employee, directly or indirectly, and no Elected County Official or County Employee may solicit or accept from any person or organization, directly or indirectly, anything of value as herein defined if it could reasonably be expected to influence such Elected County Official's or County Employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such Elected County Official or County Employee. Non-monetary gratuities, such as but not limited to food or flowers given by members of the public at holidays or on special occasions may not exceed \$200 in total value annually and may be accepted only when made available to an entire department and not an individual official or employee. This provision does not apply to monetary donations to Kenosha County which are accepted by the County Board or donations to Brookside Care Center or its "Sunshine Fund" which are accepted by either the County Board or the Brookside Trustees.

Elected County Officials and County Employees attending an event at the expense of the County must reimburse the County the value of any raffle or door prize obtained at that particular event unless its value is de minimis as defined by Section 132(e)(1) of the Internal Revenue Code or unless it is donated to or used solely for County purposes.

(e) Insider Advantage. No Elected County Official or County Employee may intentionally or recklessly use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person or organization, if the information has not been communicated to the public or is not public information.

(f) Contracting. (Personal Gain). Except as otherwise provided by Wis. Stat. §

946.13, no Elected County Official or County Employee shall, in his or her private capacity, negotiate or bid for or enter into a contract in which he or she has a private pecuniary interest, direct or indirect, if at the time he or she is authorized or required by law to participate in his or her capacity as such Elected County Official or County Employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on his or her part, nor shall any Elected County Official or County Employee, in his or her official capacity, participate in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or perform in regard to that contract some function requiring the exercise of discretion on his or her part. A violation of Wis. Stat. § 946.13 shall also constitute a violation of this code.

An Elected County Official or County Employee, or a member of the Elected County Official's or County Employee's immediate family, as defined in this ordinance, may not contract with the County.

The employer of an Elected County Official or County Employee may contract with the County only if the Elected County Official or County Employee abstains from voting and attests in writing that he or she will receive no direct or indirect benefit from such contract and further attests that he or she has had no discussions with any county official or employee with respect to such contract and has made no direct or indirect attempt to influence the awarding of such contract.

(g) Consulting. Except as otherwise may be expected as part of an official's or employee's job description and in the normal course of employment by Kenosha County, no Elected County Official or County Employee is to serve as a consultant to or, except as hereinafter provided, serve as a member of the Board of Directors of any for-profit entity or for-profit corporation doing business either as a contractor or sub-contractor or otherwise with, or seeking to do business with, Kenosha County, subject to exemptions in the Wisconsin State Statutes. This provision shall not apply to Elected County Officials or County Employees serving on a Board of Directors where such service has been approved by the County Board or in cases where the Corporation Counsel's Office has reviewed such membership and found no conflict of interest.

(h) Business Associates and Clientele. No Elected County Official or County Employee shall render service to, engage in debate, lobby for, make any decision concerning or involving any, as defined herein, former, present or known future business associate or client or customer of such Elected County Official or County Employee who may have a matter pending before the County Board. Where such relationship and circumstances exist, the Elected County Official or County Employee shall abstain from participation in any decision-making process and file a financial disclosure statement or an amended statement as required by this code and reveal the nature and extent of the relationship. This provision, however, shall not be applied in the case

of a legally recognized privilege, such as in the case of an attorney-client or doctor-patient relationship.

- (i) Issuance of Permits. No Elected County Official empowered to vote upon issuance of a discretionary permit under either state or local laws or regulations shall vote on the issuance of any such permit to himself or herself or to any member of that individual's immediate family. No County Employee shall process a discretionary permit under either state or local laws or regulations sought by himself or herself or to any member of that individual's immediate family without first revealing in writing the request for such permit to that individual's immediate supervisor who shall then assign another employee to process such permit.
- (j) Material Conflict of Interest. No Elected County Official or County Employee shall engage in any material conflict of interest as defined in section 19.06-1(3) or this Code. Pursuant to this Code, a material conflict of interest on the part of an Elected County Official or County Employee is deemed to exist within the meaning of this section in regard to a matter in which he or she is involved, or is about to be involved, in the discharge of his or her official duties, whenever the Elected County Official or County Employee utilizes and exploits his or her official capacity in such a way as to obtain a personal financial benefit for himself or herself or his or her immediate family or an organization with which he or she is associated.
- (k) Personal Services. No Elected County Official or County Employee shall be required to perform any private work or private or personal service for any Elected County Official or County Employee or make a contribution to any such Elected County Official or County Employee. Nothing contained herein shall be construed to bar voluntary campaign contributions to an Elected County Official or County Employee.
- (l) Falsifying Claims or Records. No Elected County Official or County Employee shall intentionally or recklessly engage in submitting any falsified claim and knowingly false document.
- (m) Misuse or Misappropriation of County Property or Funds. No Elected County Official or County Employee shall misuse or misappropriate any county funds or property including. The use of County copiers, computers, tablets and phones are subject to separate terms of use policies; however, the County maintains the right to access, monitor and review the use of such equipment and recognizes no claim of confidentiality regarding the use of such County equipment. No County property, facility or personnel on County time may be used to repair or maintain an Elected County Official's or County Employee's personal property.
- (n) Acquiring of County Property. No Elected County Official or County Employee shall acquire any county-owned property if the Elected County Official or County Employee was aware of any material information

239 regarding the property or the property sale that was not also publicly
240 available.

- 241
- 242 (o) Obligation to Report Fraud. Any Elected County Official or County
243 Employee who has actual knowledge of fraud or other illegal activity
244 conducted by an Elected County Official or County Employee must report
245 such activity or conduct to the Office of Corporation Counsel as soon as
246 practical.
- 247
- 248 (p) Obligation to Report Conflicts. Elected County Officials and County
249 Employees shall disclose to the County Corporation Counsel any conflict
250 of interest involving another Elected County Official or County Employee.
- 251
- 252 (q) State Standards of Conduct for Municipal Employees. Those standards
253 incorporated in Wisconsin Statutes § 19.59 for municipal officials and
254 employees are incorporated herein by reference as if fully set forth.
- 255
- 256 (r) Conflicts of Law or with Agreements. In case of a conflict between the State
257 law and this Code, or in the event of a conflict between requirements
258 contained in any agreements or contract entered into by Kenosha County
259 and this Code, the more restrictive standard shall apply.
- 260

261 19.05-1 COMPLIANCE WITH STATE STATUTES

262

- 263 (1) The following sections of the Wisconsin Statutes as they may be amended or re-
264 numbered from time to time are hereby incorporated by reference and made a part
265 of this Code of Ethics:
- 266
- 267 (a) Section 19.01---Oaths and Bonds.
- 268
- 269 (b) Section 19.21---Custody and Delivery of Official Property and Records.
- 270
- 271 (c) Section 19.31 through 19.39---Public Records.
- 272
- 273 (d) Section 19.59---Code of Ethics for Local Government Officials,
274 Employees and Candidates
- 275
- 276 (e) Section 19.81 through 19.89---Open Meeting of Governmental Bodies.
- 277
- 278 (f) Section 946.12---Misconduct in Public Office.
- 279
- 280 (g) Section 946.13---Private Interest in Public Contract Prohibited.
- 281
- 282 (h) Any provision of Chapter 17 of the Wisconsin Statutes justifying removal
283 of an official or employee for cause.
- 284
- 285 (2) All Elected County Officials and County Employees shall comply with the
286 provisions of these enumerated sections of the Wisconsin Statutes and failure to so

comply shall, in addition, constitute a breach of this Code of Ethics.

19.06-1 ACTION UPON CONFLICT AND COMPLAINTS

- (1) Any Elected County Official or County Employee who, in the discharge of his or her official duties, is involved or about to be involved in any matter that could result in a violation of this code or a material conflict of interest as defined herein, on his or her part shall:
 - (a) Prepare a written statement describing such matter and the nature of the possible conflict of interests; and
 - (b) Deliver copies of the statement to the Corporation Counsel's office; and
 - (c) Take no further action in regard to such matter until an opinion has been rendered by the Corporation Counsel.
- (2) Notwithstanding any other provision to the contrary in the Municipal Code of Kenosha County, the Corporation Counsel's Office is authorized to issue an ethics / conflict of interest opinion to any Elected County Official or County Employee and at the request of such official shall keep the matter confidential as it pertains to that individual and request. In situations where guidance is sought on prospective conduct and the official making the request supervises the Corporation Counsel or is authorized to vote on the annual budget of the Corporation Counsel's Office, the Corporation Counsel may choose to either issue an advisory opinion or refer the matter to either the Attorney General, the State Ethics Board, the Kenosha District Attorney or outside counsel.
- (3) In situations where an act or omission contrary to this Code or state law has already occurred, a complaint or request for a legal opinion may be made to the Corporation Counsel and the Corporation Counsel shall refer the complaint or request for opinion to outside counsel for investigation and recommendations. A complaint may also be made with the District Attorney's Office for review and potential prosecution, consistent with Section 19.11 of this Code.

19.07-1 EXCEPTIONS

- (1) Fees and Honorariums.
 - (a) In order to achieve the broadest possible public discussion and understanding of county government, the legislative process and the specific policy issues and proposals pending before the legislature, every Elected County Official or County Employee is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret these topics.

(b) Notwithstanding any provisions of this code, reasonable compensation and reimbursement for expenses for any off-duty speaking, teaching, lecturing or for any published work or creation of any product or intellectual property may be accepted by a Elected County Official or County Employee. However, if such speaking, teaching, lecturing, , product creation, published work or intellectual property that is created or conducted by an Elected County Official or County Employee with the use of county time or of its facilities, services or supplies not generally available to all citizens of this county in the course of his or her official duties, the Elected County Official or County Employee may not retain such compensation or reimbursement of expenses but shall deposit it with the County Treasurer and the activity, product, published work or intellectual property created shall be deemed a work made for hire and shall be the property of Kenosha County and any copyright, trademark or patent obtained by such individual shall be transferred without compensation to Kenosha County.

(2) Reimbursements. Nothing in this section prevents or limits reimbursement by the county of actual and reasonable expenses incurred by an Elected County Official or County Employee in the performance of official duties.

(3) Reward Points and Frequent Flyer Miles
Nothing contained in this Ordinance shall preclude an Elected County Official or County Employee from obtaining credit card reward points or frequent flyer miles where the initial payment, prior to County reimbursement, was paid for by the Elected County Official or County Employee.

19.08-1 CAMPAIGN ACTIVITY

(1) Nothing contained herein shall be construed as prohibiting an Elected County Official or County Employee from voluntarily endorsing or contributing to a candidate or working on a candidate's behalf outside of County facilities or on their personal time.

(2) It is prohibited to require current County Employees to campaign on behalf of elected officials as a condition of maintaining continued employment with Kenosha County.

(3) Campaign solicitation and electioneering on County property or in violation of work rules is prohibited, provided, however, that photographs of or on County common areas are permitted.

(4) Use of County property for campaign purposes is prohibited.

(5) This section does not prohibit an Elected County Official or County Employee from accepting employment or being involved with any political campaign which in no way interferes or could reasonably be expected to interfere with the full discharge of his or her official duties. This section may not fully apply to law enforcement officers employed by the Kenosha County Sheriff's Office and who are covered by the law

enforcement officers' bill of rights contained in Chapter 164 of the Wisconsin Statutes or may be subject to the Hatch Act.

19.09-1 FINANCIAL/PERSONAL LEGISLATIVE INTEREST DISCLOSURE

The Financial/Interest Disclosure Form set forth in Appendix 1 shall be completed by all Elected County Officials and candidates for such office, and filed with the Kenosha County Clerk as a public record prior to the end of business on the last day for filing nomination papers for the Spring election. In non-election years the disclosure statements shall be filed prior to January 7. Subsequent to filing the Financial/Interest Disclosure Form set forth in Appendix 1, an Elected County Official shall, in the event of a change in circumstances or upon becoming aware of an omission or error in a form already on file with the County Clerk, file an amended form within ten (10) business days of becoming aware of the change in circumstances or error.

19.10-1 POST COUNTY EMPLOYMENT CONFLICTS

Elected County Officials who have voted on the awarding of a contract with a particular contractor, provider or vendor or who have had input into such award may not accept employment with such contractor, provider or vendor or their sub-contractors for a period of one year after such vote. Further, no contractor, provider or vendor or their sub-contractor may make an offer of employment to such Elected County Official or any member of their immediate family between the date of a contract solicitation or proposal and the later of one year after the vote on the contract or the commencement of the contract with Kenosha County.

19.11-1 PENALTY

Any Elected County Official or County Employee found by a court of competent jurisdiction to have violated any provision of this code shall be subject to a fine of not less than \$100 nor more than \$1000 for each violation and may be required to reimburse the County for any costs, including attorney fees and for direct or indirect costs and damages resulting from such violation, including, but not limited to, the costs of investigation. Violations shall be prosecuted by the District Attorney's Office.

Any action taken on behalf of Kenosha County and found to be in violation of this code may be reconsidered by the Kenosha County Board of Supervisors and deemed void. Any party found to have violated County ethics ordinances or policies may be prohibited from doing business with Kenosha County for a period not to exceed five years.

In addition to any penalty imposed in this section, the County Clerk shall accept nomination papers in cases where the candidate has not filed a financial disclosure statement as required herein, however, any candidate who fails to timely file a disclosure statement as required herein shall not have his or her name placed on the ballot, as permitted pursuant to Wis. Stat. § 19.59(3)(b).

19.12-1 EFFECTIVE DATE

This code shall take effect upon publication.

429 19.13-1 SEVERABILITY

430 If any provision of this code is found by a court of competent jurisdiction to be invalid or
431 unconstitutional, or if the application of this code to any person or circumstances is found
432 by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or
433 unconstitutionality shall not affect the other provisions or applications of this code which
434 can be given effect without the invalid or unconstitutional provision or application.

435
436 19.14-1 DEFINITIONS

437 In this code, and for purposes of this code only:

- 438
- 439 (1) "Anything of Value" means any of the following items [either alone or in
440 combination] whose value in a calendar year from any one person or entity is in
441 excess of \$200: money, gift card, creditcard reward points, frequent flyer miles, or
442 property, favor, service, gift, loan payment, subscription, advance forbearance,
443 lodging, food or drink, travel, recreational or entertainment expense, thing or
444 promise of future reward or employment that could reasonably be expected to
445 influence such Elected County Official's or County Employee's official actions or
446 judgment, or could reasonably be considered as a reward for any official action or
447 inaction on the part of such county public official, BUT DOES NOT INCLUDE
448 compensation and expenses paid by the county, speaking fees, honorariums [except
449 as may be otherwise allowed by this Ordinance] and expenses, political
450 contributions which are properly reported under Chapter 11, Wisconsin Statutes,
451 tips for food service normally given to waiters and waitresses or for customary
452 services provided to the general public at County golf facilities, unsolicited
453 advertising or promotional material, such as pens, pencils, note pads, calendars and
454 other items of de minimis values as defined by Section 132(e)(1) of the Internal Revenue
455 Code.
- 456
- 457 (2) "Associated" when used with reference to an organization, includes any
458 organization in which a person or member of his or her immediate family is an
459 employee, director, officer or trustee or owner or controls, directly or indirectly and
460 severally or in the aggregate at least 10% of the outstanding equity.
- 461
- 462 (3) "County Employee" means all persons filling an allocated position of county
463 employment or any volunteer with the exception, however, that "employee" does
464 not include citizen volunteer committee, citizen commission members or judges but
465 does include court commissioners.
- 466
- 467 (4) "Financial Interest" shall mean any interest that will yield directly or indirectly a
468 monetary or other material benefit to the officer or employee or to any person
469 employing or retaining the services of the official or employees or any member of
470 the immediate family of said official or employee, except as permitted by Wis. Stat.
471 § 946.13.
- 472
- 473 (5) "Former Client" for purposes of requiring an abstention from voting as an Elected
474 County Official, means a person or other legal entity, including all known officers
475 and directors of that legal entity, who the Elected County Official knows has
476 engaged the services of that Elected County Official or that Elected County

Official's employer or associate or who has been a customer of that Elected County Official or that Elected County Official's employer or associate within a period of four (4) years prior to any matter affecting that former client or customer coming before the County.

- (6) "Gift" means the payment or receipt of anything of value without valuable and sufficient consideration.
- (7) "Known Future Client" for purposes of requiring an abstention from voting, means a person or other legal entity, including all officers and directors of that legal entity, to whom an Elected County Official or that Elected County Official's employer or associate has a commitment either direct or implied, formal or informal to provide services or products for anything of value, as defined herein, at some time in the future after the County's consideration of a matter affecting such client or customer.
- (8) "Personal Interest" shall mean any interest arising from a personal, familial or intimate relationship.
- (9) "Immediate Family" means either a spouse, child, parent, or any other person, including a domestic partner, who is a member of the immediate household or receives more than 50% of their support from such employee or official.
- (10) "Income" has the meaning given under the federal internal revenue code.
- (11) "Non-Official Purpose" means unrelated to county business but does not include assistance to a non-profit entity.
- (12) "Elected County Official" shall mean any person holding an elected or appointed county office, but not elected Judges.
- (13) "Person" shall mean any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, trust or other legal entity recognized as such by the laws of the State of Wisconsin.
- (14) "Privileged Information" or "Confidential Information" or "Legally Confidential Information" is information recognized by State or Federal law as being entitled to confidentiality or privilege or matters that may be legally considered in closed session pursuant to the Wisconsin Open Meetings law or written or oral material related to county government which has not become a part of the body of public information and which is designated by statute, court decision, lawful orders or custom as being either privileged or confidential. Nothing contained herein shall be construed to be a violation of this Code if the information communicated is in the public interest, not the subject of pending litigation and relates to a violation of law, mismanagement of County funds, or neglect of duty.

19.15-1 REFERENCE

This Ordinance may be referred to as the Kenosha County Code of Ethics.