

Code of Ethics of the Polk County Board of Supervisor

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors creates a code of ethics for the members of the County Board of Supervisors as follows:

1. DECLARATION: It is declared that high moral and ethical standards among supervisors are essential to the conduct of free government; that the County Board believes that a code of ethics for the guidance of supervisors will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the residents of Polk County in their supervisors.
2. PURPOSE: It is the intent of the County Board that in the administration of this code the rights of supervisors shall be protected to the fullest extent possible, while at the same time reaffirming that a supervisor holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This code does not prevent a supervisor from employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to the County. The County Board 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 supervisors retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for supervisors 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 supervisors may need to engage in employment, professional or business activities, other than 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 code.
3. DEFINITIONS:
 - a. "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways, or any other thing which is not likely to influence the judgment of supervisors.

- b. "Associated", when used with reference to an organization, includes any organization in which a supervisor or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which a supervisor or a member of his or her immediate family is an authorized representative or agent.
- c. "Immediate family" means a supervisor's spouse; a supervisor's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the supervisor or from whom the supervisor receives, directly or indirectly, more than one-half of his or her support.
- d. "Nepotism" means favoritism shown to a relative in employing or promoting a person to a County position.
- e. "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.
- f. "Relative" means wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-child, step-parent or grandparent. "Relative" includes a person who is living with a supervisor as a household in a committed relationship.

4. CONFLICT OF INTEREST:

- a. No supervisor may use his or her office to obtain financial gain or anything of substantial value for his or her private benefit or his or her immediate family, or for an organization with which he or she is associated.
- b. No person may offer or give to a supervisor, and no supervisor may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the supervisor's vote, official action or judgment, or could reasonably be considered as a reward for any vote, action or inaction on the part of the supervisor.
- c. No supervisor may take any official action substantially affecting a matter in which the supervisor, a member of his or her immediate family, or an organization with which the supervisor is associated, has a substantial financial interest.
- d. No supervisor may 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 supervisor, one or more members of the supervisor's immediate family either separately or together, or an organization with which the official is associated.

5. NEPOTISM:

- a. No supervisor may serve on a committee that supervises or otherwise can directly affect a department in which a member of his/her immediate family is employed.
- b. No supervisor may participate in an appointment or employment process if a relative is an applicant under consideration.
- c. No supervisor may influence or attempt to influence a County employee or other supervisor in a term or a condition of employment affecting a relative.

6. FAIRNESS AND CONSISTENCY: No supervisor shall use or knowingly permit the use of county services or county-owned vehicles, equipment, or materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.

7. POLITICAL ACTIVITIES: A supervisor has the right to freely express his or her views as a citizen and cast his or her vote, subject to the following:

- a. No supervisor shall directly or indirectly use or seek to use his or her authority or position to control or modify the political activity of another person.
- b. No supervisor shall at any time use any County owned or leased equipment for any political activity.
- c. No supervisor shall attempt to or influence an attempt to remove, discharge, demote, reduce pay, or otherwise discriminate against an employee because of the employee's political opinions or affiliations.

8. COMPLIANCE: The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this code of ethics:

Section 19.01 Oaths and Bonds;

Section 19.21 Custody and Delivery of Official Property and Records; and

Section 19.81-19.89 Open Meetings of Governmental Bodies.

9. ETHICS BOARD:

- a. The Executive Committee to Serve as Ethics Board.
- b. The Executive Committee shall serve as the Polk County Ethics Board. If any member of the Committee cannot be unbiased regarding a complaint or is the subject of a complaint, that member shall not serve in regard to that complaint. If one or more members is unable to serve, the County Board Chair shall appoint a supervisor to serve for each member unable to serve. The Chair shall appoint supervisors who are unbiased.
- c. Powers and Duties of Ethics Board.

The Ethics Board shall:

1. Administer and enforce the provisions of this code.
2. When a supervisor requests, issue advisory opinions regarding the propriety of any matter to which the supervisor is or may become involved. The supervisor shall be afforded an opportunity to appear before the Ethics Board to present evidence relevant to the interpretation and application of the code of ethics to the matter before an advisory opinion is issued.
3. Accept from any person a verified written complaint which states the name of the supervisor alleged to have committed a violation of the code of ethics and sets forth the material facts of the allegation. The Ethics Board shall forward a copy of the complaint to the accused supervisor within ten (10) days. No action may be taken on any complaint which is filed more than one year after a violation is alleged to have occurred.
4. Following receipt of a verified complaint, conduct an investigation with respect to the alleged violation of the code of ethics. Written notice of the investigation shall be given to the accused supervisor before commencing the investigation. The notice shall state the exact nature and purpose of the investigation, the supervisor's specific action or activities to be investigated and a statement of such person's due process rights. The Ethics Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissions under §885.01(3), Wisconsin Statutes.

5. After completion of the investigation, make written findings and conclusions. A majority of the members are required to approve the findings and conclusions. The accused supervisor shall be given a copy of the findings and conclusions.
6. Based on its written findings and conclusions:
 - (a) Dismiss the complaint. If no action on the complaint is taken within 60 days of filing, the complaint shall be dismissed.
 - b) Issue a written request to the supervisor to conform his or her conduct to the code of ethics.
 - c) Recommend to the County Board that it order the supervisor to conform his or her conduct to the code of ethics.
 - (d) Refer the matter to the District Attorney to commence enforcement proceedings pursuant to §19.59, Wisconsin Statutes.

10. FORFEITURES AND PENALTIES

- a. If, in a case prosecuted by the District Attorney, the Court finds that a violation of the code of ethics has occurred, the Court may impose a forfeiture of not more than \$500 for each violation. In the event of an intentional violation, a forfeiture of not less than \$100 and not more than \$1000 shall be imposed for each violation.
- b. In addition to forfeitures, the Court may order such other legal or equitable relief as may be appropriate, including but not limited to mandamus, injunction, or declaratory judgment.

11. RECORDS OF THE ETHICS BOARD: Records of the Ethics Board's opinions, opinion requests, investigations, findings and conclusions may be closed in whole or in part to public inspection.

12. EMPLOYEE PROTECTIONS

- a. No supervisor may, directly or indirectly, initiate or administer, or threaten to initiate or administer, any retaliatory action against a County employee following an employee's disclosure of information related to the violation of any federal or state law, County ordinance, rule or regulation, the mismanagement or abuse of authority, a substantial waste of public funds, or a danger to public health and safety.

- b. Nothing in this section restricts the right of the County as an employer to take appropriate disciplinary action against an employee who knowingly makes an untrue statement or discloses information the disclosure of which is specifically prohibited by federal or state law, rule or regulation.

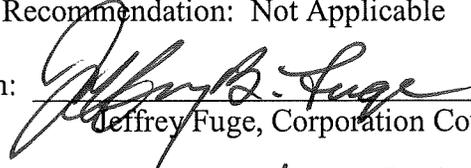
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Approved as to form:


Jeffrey Fuge, Corporation Counsel

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Submitted at the request of the Personnel Committee

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