

ARTICLE XV ETHICS CODE

(1) **Statement of Purpose.**

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Village of Hales Corners officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.
- (b) The purpose of this Ethics Code 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 interest of the Village of Hales Corners and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees 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 citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Hales Corners.

(2) **Definitions.** The following definitions shall be applicable to this Chapter:

- (a) **Public Official.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees, and commission established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Means any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** Means any gift, favor, loan, service, or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary, or customary gifts among relatives and friends.
- (d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Means the following specific blood or marriage relationships:
1. A person's spouse, mother, father, child, brother, or sister; or
 2. A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from

whom such person receives, directly or indirectly, more than one-half (1/2) of his support.

- (f) **Significant Interest.** Means owning or controlling, directly or indirectly, at least 10 percent or \$5,000 of the outstanding stock of at least 10 percent or \$5,000 of any business.
 - (g) **Financial Interest.** 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.
- (3) **Statutory Standards of Conduct.** There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following section of the Wisconsin Statutes, as from time to time amended, are made part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:
- (a) §946.10. Bribery of Public Officers and Employees.
 - (b) §945.11. Special Privileges from Public Utilities.
 - (c) §946.12. Misconduct in Public Office.
 - (d) §946.13. Private Interest in Public Contract Prohibited.
- (4) **Responsibility of Public Office.** Public officials 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 carry out impartially the laws of the nation, state, and municipality, to observe in their official acts the highest standards of morality, and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.
- (5) **Dedicated Service.**
- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
 - (b) 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.
 - (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Ethics Board. The Ethics Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.
- (6) **Fair and Equal Treatment.**
- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, committee, or commission.
 - (b) **Use of Village Stationery.** Copies of any correspondence written on Village stationery shall be filed with the Village Administrator, or his designee.
 - (c) **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. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference, or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.

- (d) Political Contributions. No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

(7) **Conflict of Interest.**

(a) Financial and Personal Interest Prohibited.

1. No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
2. Any member of the Village Board who has a financial interest or a personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion or vote on the matter.
3. Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission, or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission, or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
4. Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission, or committee upon which the employee has any influence of input, or of which the employee is a member, that is to make a recommendation or decision upon any time which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission, or committee the nature and extent of such interest.

- (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 Village, nor shall such information be used to advance the financial or other private interests of such official or employee or others.

- (c) Gifts and Favors.

1. No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
2. No official or employee personally, or through a member of his immediate family, shall accept any gift of greater value than \$20.00, whether in the form of money, service, loan, thing, or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service, or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value of less than \$20.00, such as a meal, and that is not intended to influence the official. Any official or employee who receives, directly or indirectly, any gift or gifts having an aggregate value of more than \$50.00 within any calendar year from any person who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the Village upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion, or control shall disclose the nature and value of such gifts to the Ethics Board by January 15 next following the year in which the gift or gifts are received.
3. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings, and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
4. Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Ethics Board within 10 days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within 10 days, disclose the details surrounding said offer to the Ethics Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(d) Representing Private Interests before Village Agencies or Courts.

1. Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission, or the Village Board if the official or employee or any board, commission, or committee of which the official or employee is a member has any jurisdiction, discretion, or control over the matter which is the subject of such representation.
2. Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the

electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

- (e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Ethics Board that such interest exists.
- (f) **Contracts with the Village.** No Village official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with such function requiring the exercise of discretion on his part shall enter into any contract with the Village unless, within the confines of §946.13, Wis. Stats.
 - 1. The contract is awarded through a process of public notice and competitive bidding or the Village Board waives the requirement of this Section after determining that it is in the best interest of the Village to do so.
 - 2. The provisions of this Subsection shall not apply to the designation of a public depository of public funds.
- (8) **Advisory Opinions.** Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Ethics Board, which, if it deems it necessary or appropriate, may request an advisory opinion from the Village Attorney. With prior authorization of the Village Board, the Ethics Board may utilize special legal counsel if warranted by the facts of the case. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made in public.
- (9) **Hiring Relatives.**
 - (a) This Section governs the proposed hiring of individuals for full-time or part-time work as Village employees who are members of the immediate family of Village employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2(e) of this Bylaws chapter as personal interests.
 - (b) Hiring an immediate family member of any current Village employee or elected Village official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, Village Administrator, or Village Board) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Village Administrator approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the Village or their relatives will not be considered a violation of this policy.
 - (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a Village Board, commission, or committee; non-

elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification, or compensation of their immediate family if currently employed or being considered for employment by the Village.

(10) **Jurisdiction of Ethics Board; Investigations.**

(a) Jurisdiction.

1. The Ethics Board shall have administrative jurisdiction over this Code of Ethics Chapter. The Board may call upon the Village Administrator for staff assistance as the need arises. The Village Attorney shall provide such legal assistance as the Board requires. With prior authorization of the Village Board, the Ethics Board may utilize special legal counsel if warranted by the facts of the case.
2. The Ethics Board may make recommendations to the Village Board with respect to amendments to this Code of Ethics Chapter.

(b) Complaints. All complaints regarding violations of this Ethics Code, including those made by members of the Ethics Board, shall be made in writing and submitted to the Village Administrator who shall deliver them to the Chairman of the Ethics Board.

(c) Procedure before the Board. Upon receipt of a complaint, the Ethics Board shall:

1. Conduct an investigation of the facts of the complaint.
2. Cause notice to be given to the respondent. Such written notice shall contain a specification of the charges against the respondent as well as a notice that the respondent may file a written statement of his position with the Ethics Board.
3. Schedule and hold hearings on the complaint.
4. Hear the respondent's position and the testimony of witnesses, if any.
5. Permit the respondent and the complainant to call such witnesses as either desires and to cross-examine the witnesses of the other.
6. Consider the evidence presented and make findings thereon.
7. By its Chairman or his designee, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties.
8. Based upon the evidence presented to it, determine whether or not to recommend to the Village Board commencement of a censure action or the imposition of a forfeiture pursuant to Section 19.04. If a forfeiture is deemed advisable, the Ethics Board may direct the Village Attorney to start an action in the name of the Village against the violator. If the anticipated legal expense to the Village is in excess of \$500.00, the Ethics Board shall first receive authorization from the Village Board for such expenditure.

(d) Penalties. Village officials found by the Ethics Board to be in violation of the ethics standards of this Chapter are subject to the following penalties:

1. The Ethics Board may recommend that the Village Board censure a Village official or recommend commencement of disciplinary proceedings against a Village employee found in violation of this Chapter.
2. As an alternative to censure or disciplinary action, the Ethics Board may seek the imposition of a forfeiture. When deciding to seek the imposition of a forfeiture, the Ethics Board shall, at the time of notifying the Village Attorney, serve notice by mail upon the respondent to the

effect that a forfeiture will be sought against the respondent, specifying the amount and that court action may be avoided if the amount specified is paid within 30 days of the date of the notice. If a person against whom the Ethics Board decides to seek imposition of a forfeiture fails to pay the amount specified by the Board within 30 days of the date of notice, the Village Attorney shall initiate an action for the collection of the forfeiture.

- (e) Executive Session. Pursuant to §19.85(1)(a) and (f), Wis. Stats., the Ethics Board shall conduct its hearings in executive session unless the person complained of requests open hearings.
- (f) Employees Covered by Collective Bargaining Agreements. In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code.
- (g) Sanctions. A determination that an employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment, or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.
- (h) Police Officers and Firefighters. When a complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be had in accordance with the provisions of §62.13, Wis. Stats.

