

CHAPTER 19 - ETHICS CODE
FOR KENOSHA COUNTY BOARD SUPERVISORS

19.01-1 TITLE

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

19.02-1 DECLARATION OF POLICY

The proper operation of democratic government requires that elected County Board Supervisors 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. The County Board believes that a code of ethics for the guidance of County Board Supervisors will help them avoid conflicts which are substantial and material between their personal interests and their public responsibilities. In recognition of these goals, there is hereby established a Code of Ethics for Kenosha County Board Supervisors. 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 Board Supervisors 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 and to carry out impartially the laws of the nation, state and county, and 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 in their official actions is to be above reproach so as to foster respect for all government.

All future County Board Supervisors and candidates for such office 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. The county board hereby reaffirms that each Supervisor 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 Board Supervisor 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. 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 elected County Supervisors retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for elected County Board 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 elected County Board Supervisors 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 Kenosha County Board Supervisor shall request or permit the use of county services or manpower or of county-owned vehicles, equipment, materials 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 County Board Supervisors include:
 - (a) Disclosure of Confidential Information. No County Board Supervisor shall, without proper legal authorization from the County Board 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. Nothing contained herein shall be construed to be a violation of this Code if the information communicated is in the public interest as determined by a test balancing the right of the public to know versus the right of individual or governmental privacy, not the subject of pending litigation and relates to a violation of law, mismanagement of County funds, or neglect of duty.
 - (b) Reserved for future use.
 - (c) Representing Private Interests Before County Agencies or Courts. No County Board Supervisor shall represent *as a paid advocate* any private interests adverse to Kenosha County, other than for himself, his spouse or his children, before any county agency or department; nor, except as hereinafter provided, shall any County Board Supervisor who is admitted to practice law in the State of Wisconsin represent as an advocate any private interests other than for himself, his spouse or children, in any proceeding adverse to the county in any county court without prior County authorization. County Board Supervisors who are licensed to practice law in the State of Wisconsin may, however, act as a criminal or ordinance defense or Juvenile Court counsel and 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 a County Board Supervisor, directly or indirectly, and no County Board Supervisors 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 County Board Supervisor's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such County Board Supervisor. 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.

County Board Supervisors 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 diminimus or unless it is donated to or used solely for County purposes.

- (e) Insider Advantage. No County Board Supervisor may intentionally 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) Reserved for Future Use

(g) Contracting. (Personal Gain). Except as otherwise provided by section 946.13 of the Wisconsin Statutes, no County Board Supervisor shall, in his 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 County Board Supervisor 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 County Board Supervisor, 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 section 946.13 of the Wisconsin Statutes, shall also constitute a violation of this code.

A County official or employee or a member of the official's or employee's immediate family, as defined in this ordinance, may not contract with the County.

The employer of a County Board Supervisor may contract with the County only if the County Board Supervisor 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.

(h) Consulting. No County Board Supervisor is to serve as a consultant to or, except as hereinafter provided, serve as a member of the Board of Directors of any entity or 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 County Board Supervisors serving on a Board of Directors where such service as a County Board Supervisor has been required and approved by the County Executive or County Board or in cases where the Corporation Counsel's Office has reviewed such membership and found no conflict of interest.

(i) Business Associates and Clientele. No County Board Supervisor 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 Supervisor or other member(s) of the Supervisor's firm or his or its associates or partners who may have a matter pending before the County Board. Where such relationship and circumstances exist, the supervisor 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. [see Sec. 19.04-1(4)(g)] (5/1/12)

(j) Issuance of Permits. No County Board Supervisor 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.

(k) Material Conflict of Interest. No County Board Supervisor shall engage in any material conflict of interest as defined in section 19.06-1(3).

- (l) Personal Services. No County official or employee shall be required to perform any private work or private or personal service for any County Board Supervisor or make a contribution to any such County Board Supervisor. Nothing contained herein shall be construed to bar voluntary campaign contributions to a County Board Supervisor.
- (m) Falsifying Claims or Records. No County Board Supervisor shall intentionally engage in submitting any falsified claim and knowingly false document.
- (n) Misuse or Misappropriation of County Property or Funds. No County Board Supervisor shall misuse or misappropriate any county funds or property including, but not limited to, the use of County copiers, computers, or cell or land-based phones for personal use on County time. 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 a County Board Supervisor's personal property.
- (o) Notification of Conflicts. County Board Supervisor shall disclose to the County Corporation Counsel any conflict of interest involving another county employee or official.
- (p) Reserved for future use.
- (q) State Standards of Conduct for Municipal Employees. Those standards incorporated in Wisconsin Statutes § 19.59 for municipal officials and employees are incorporated herein by reference as if fully set forth. In case of a conflict between the State standards and this Code, the more restrictive standard shall apply.

19.05-1 COMPLIANCE WITH STATE STATUTES

- (1) The following sections of the Wisconsin Statutes as they may be amended or re-numbered from time to time are hereby incorporated by reference and made a part of this Code of Ethics:
 - (a) Section 19.01---Oaths and Bonds.
 - (b) Section 19.21---Custody and Delivery of Official Property and Records.
 - (c) Section 19.31 through 19.39---Public Records.
 - (d) Section 19.59---Code of Ethics for Local Government Officials, Employees and Candidates
 - (e) Section 19.81 through 19.89---Open Meeting of Governmental Bodies.
 - (f) Section 946.12---Misconduct in Public Office.
 - (g) Section 946.13---Private Interest in Public Contract Prohibited.
 - (h) Any provision of Chapter 17 of the Wisconsin Statutes justifying removal of an official or employee for cause.
- (2) County Board Supervisor shall comply with the 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

- (1) Any County Board Supervisor 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) Discuss such matter and the nature of the possible conflict of interests with the Corporation Counsel's Office prior to acting on the matter and
 - (b) 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 interests opinion to any County Board Supervisor 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 issue an advisory opinion or refer the matter to either the Attorney General, the State Ethics Board, the Kenosha District Attorney or outside counsel. In situations where an opinion is sought pertaining to some act or omission that has already occurred, the Corporation Counsel shall refer the request to outside counsel.
- (3) A material conflict of interest on the part of a County Board Supervisor 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 County Board Supervisor 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.

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 County Board Supervisor 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 for any such activity or for any published work or creation of any product or matter qualifying as intellectual property and reimbursement of actual and necessary expenses incurred in connection therewith may be accepted by a County Board Supervisor, but if such activity, product or published work or intellectual property that is created is accomplished by an official or 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 County Board Supervisor 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 to 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 a County Board Supervisor in the performance of official duties.
- (3) Reward Points and Frequent Flyer Miles
Nothing contained in this Ordinance shall preclude a County Board Supervisor from obtaining credit card reward points or frequent flyer miles where the initial payment, prior to County reimbursement, was paid for by the County Board Supervisor.

19.08-1 CAMPAIGN ACTIVITY

- (1) Nothing contained herein shall be construed as prohibiting anyone employed by Kenosha County from voluntarily endorsing or contributing to a candidate or working on their behalf outside of County facilities or on their personal time. Furthermore, nothing contained herein shall be construed as prohibiting anyone employed by Kenosha County from making their support known by way of a displaying campaign button or vehicle signage.
- (2) It is prohibited to require current employees of Kenosha County to campaign on behalf of elected officials as a condition of maintaining continued employment with Kenosha County.
- (3) Campaign solicitation 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

19.09-1 FINANCIAL/PERSONAL LEGISLATIVE INTEREST DISCLOSURE (5/1/12)

The Financial/Interest Disclosure Form set forth in Appendix 1 shall be completed by all County Board Supervisor 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, a Supervisor 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 five (5) business days of becoming aware of the change in circumstances or error.

19.10-1 POST COUNTY EMPLOYMENT CONFLICTS (5/1/12)

County Board Supervisors 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. No contractor, provider or vendor or their sub-contractor may make an offer of employment to such County Board Supervisor or any member of their immediate family prior to such vote or within one year after such vote.

19.11-1 PENALTY

Any County Board Supervisor 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 debarred from doing business with Kenosha County for a period not to exceed five years.

In addition to any penalty imposed in this section, any County Board Supervisor failing to file a disclosure form as required by this code shall forfeit any and all compensation to which he or she is entitled until such time as the required disclosure statement is received and filed by the County Clerk. 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.

19.12-1 EFFECTIVE DATE

This code shall take effect upon publication.

19.13-1 SEVERABILITY

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

19.14-1 DEFINITIONS

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

- (1) "Anything of Value" means any of the following items [either alone or in combination] whose value in a calendar year from any one person or entity is in excess of \$25 or as this amount may be amended from time to time by the Internal Revenue Service: money, gift card, credit card reward points, frequent flyer miles, or property, favor, service, gift, loan payment, subscription, advance forbearance, lodging, food or drink, travel, recreational or entertainment expense, thing or promise of future reward or employment that could reasonably be expected to influence such County Board Supervisor's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such county public official, BUT DOES NOT INCLUDE compensation and expenses paid by the county, speaking fees, honorariums [except as may be otherwise allowed by this Ordinance] and expenses, political contributions which are properly reported, tips for food service normally given to waiters and waitresses or for customary services provided at County golf facilities, unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal value or hospitality extended for a nonbusiness purpose or used for County purposes.
- (2) "Associated", when used with reference to an organization, includes any organization in which a person or member of his or her immediate family is an employee, director, officer or trustee or owner or controls, directly or indirectly and severally or in the aggregate at least 10% of the outstanding equity.
- (3) "Employee" means all persons filling an allocated position of county employment or any volunteer with the exception, however, that "employee" does not include judges but does include court commissioners.
- (4) "Financial Interest" shall mean any interest that will 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 official or employees or any member of the immediate family of said official or employee, except as permitted by section 946.13 of the Wisconsin Statutes.
- (5) "Former Client," for purposes of requiring an abstention from voting, means a person or other legal entity who has engaged the services of a County Board Supervisor or that Supervisor's employer or associate or who has been a customer of that Supervisor or that Supervisor's employer or associate within a period of ten years prior to any matter affecting that former client or customer coming before the County Board of Supervisors. (5/1/12)

- (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 to whom a Supervisor or that Supervisor'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 County Board consideration of a matter affecting such client or customer. (5/1/12)
- (8) "Personal Interest" shall mean any interest arising from a blood or marriage relationship.
- (9) "Immediate Family" means either a wife, husband, 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) "Ministerial Action" means an action that a person performs in a given set of facts in a prescribed manner in obedience to the mandate of legal authority without regard to the exercise of the persons own judgment as to the propriety of the action being taken.
- (12) "Non-official Purpose" means unrelated to county business but does not include assistance to a non-profit entity.
- (13) "Official" or "County Public Official" shall mean any person holding an elected or appointed county office, but not elected Judges.
- (14) "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.
- (15) "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.
- (16) "Security" has the meaning given in section 19.42(12) of the Wisconsin Statutes.

19.15-1 REFERENCE

This Ordinance may be referred to as the Kenosha County Ethics Code for County Board Supervisors.

APPENDIX 1 STATEMENT OF ECONOMIC INTEREST
AND FINANCIAL DISCLOSURE

DUE DATE: In an election year [even numbered years] this statement is due prior to the end of business on the last day for filing nomination papers.

In non-election years [odd numbered years] this statement is due *PRIOR* to January 7.

RETURN TO: Kenosha County Clerk Kenosha County Administration Building, 1010 – 56th Street, Kenosha WI 53140. Provide additional information and explanations as required. If the answer to any question is “yes” please explain below with specificity.

THESE QUESTIONS SHOULD BE ANSWERED
TO THE BEST OF YOUR KNOWLEDGE.

Definitions are found in Section 19.14(1) of the Municipal Code of Kenosha County.

"Immediate Family" means either a wife, husband, 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.

1 Are you or your spouse related to any Kenosha County employee?

YES NO

If yes, please explain to whom, what the relationship is and where that employee works. _____

2 To the best of your knowledge, does your or your spouse's employer or the employer of a member of your immediate family do business with Kenosha County?

YES NO

If yes, please explain who the employer is, the nature of the business, the dollar amount of the business and whether the business is continuous. _____

3 To the best of your knowledge, is your or your spouse's employer or the employer of any member of your immediate family regulated by Kenosha County [for example, by zoning, health, cabaret etc regulations or licensing]?

YES NO

If yes, please explain who the employer is and the nature of the regulation. _____

_____.

4 To the best of your knowledge, do you know of any debt incurred by you, your spouse or member of your immediate family that is owed to any entity doing business with Kenosha County or is regulated by Kenosha County?

YES NO

If yes, please explain who the entity is. _____

_____.

5 To the best of your knowledge, are you, your spouse or any member of your immediate family on the Board of Directors of any entity [including a non-profit or not for profit corporation] that does business with Kenosha County?

YES NO

If yes, please identify the entity, the business that is associated with Kenosha County, the dollar amount of the business, whether the entity is for profit, non-profit or not-for-profit. _____

_____.

6 To the best of your knowledge, do you, your spouse or any member of your immediate family own stock or have any equity in any *local* [ie., Kenosha County] entity doing business with Kenosha County? If yes, with who and what is the value?

YES NO

If yes, please explain. _____

7 To the best of your knowledge, have you, your spouse or any member of your immediate family received anything of value as defined in this Code from any party doing business with Kenosha County or regulated by Kenosha County?

YES NO

If yes, please explain. _____

8 To the best of your knowledge, have you reported all campaign contributions as required by Federal and State law?

YES NO

If not, please explain. _____

9 To the best of your knowledge, do you or your spouse, member of your immediate family, business associates own any real property that is regulated by Kenosha County land use, health or cabaret etc regulations? Have you or your spouse been compensated or expect to be compensated for advocating on behalf of anyone, including clients, for the purpose of obtaining for them a permit or privilege or eligibility for anything of value from Kenosha County or a settlement of a claim or disposition of a criminal or municipal ordinance violation?

YES NO

If yes, please explain who or what is regulated and how, and who you advocated for and how _____

10 To the best of your knowledge, do you or your spouse or any member of your immediate family have any claim against Kenosha County?

YES NO

If yes, please explain. _____

11 Are any delinquent taxes owed by you, your spouse or member of your immediate family to any federal, state or local gov?

YES NO

If yes, please explain to whom, how much and how long the taxes have been delinquent.

12 To the best of your knowledge, do you have any unpaid judgments?

YES NO

If yes, please explain to whom and how much.

Executed this ____ day of _____, 20__

This document must be signed AND SWORN TO before a notary.

STATE OF WISCONSIN}

}ss

COUNTY OF KENOSHA}

The undersigned, a notary public in and for said COUNTY, in the State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he or she signed and delivered said instrument as his or her free and voluntary act, for the uses and purposes therein set forth AND FURTHER THAT SAID INDIVIDUAL HAS SWORN TO THE VERACITY OF THE STATEMENTS CONTAINED THEREIN..

GIVEN under my hand and official seal this _____ day of _____, 20_____.

(SEAL)

Notary Public. My Commission expires _____ [is permanent].