

## **ORDINANCE NO. 42**

### **AN ORDINANCE CREATING A CODE OF ETHICS ORDINANCE FOR THE VILLAGE OF DE SOTO, CRAWFORD AND VERNON COUNTIES, WISCONSIN**

The Village Board of the Village of De Soto, Crawford and Vernon Counties, Wisconsin, do ordain as follows:

Section 1: That Section 1, Code of Ethics, is hereby created to read as follows:

#### **SECTION 1. CODE OF ETHICS:**

(1) **DECLARATION OF POLICY:** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to people; that government decisions and policy be made in proper channels of the government 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 a Code of Ethics for all Village officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions of the Village. The purpose of this 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 interests of the Village and directing disclosure by such officials and employees of private, financial or other interests in matters affecting the Village. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village.

(2) **RESPONSIBILITY OF PUBLIC OFFICE:** Public officials and employees are agents of the public 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 Village and 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. Their conduct in their official affairs should be above reproach so as to foster respect for all government.

(3) **DEDICATED SERVICE:** All officials and employees of the Village should be loyal to the objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. 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 doing so by law or by officially recognized confidentiality of their work.

(4) **FAIR AND EQUAL TREATMENT:**

(a) **Use of Public Property:** No official or employee shall request or permit the unauthorized use of Village owned vehicles, equipment, materials or property for personal convenience or profit.

(b) **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.

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(5) **CONFLICT OF INTEREST:**

(a) Financial and Personal Interest Prohibited: No official or employee, 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 his/her official duties in the public interest contrary to the provisions of this section or would tend to impair his/her independence or judgment or action in the performance of his/her official duties.

(b) Definitions:

1 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.

2 Personal Interest: Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

3 Person. Any person, corporation, partnership or joint venture.

4 Anything of Value: Any gift, favor, service or promise from any individual, firm or corporation in any one calendar year which has a fair market value in excess of \$10. The foregoing does not include reasonable fees and honorariums; actual and necessary expenses authorized under §19.56, Wis. Stats.; political contributions which are reported under Ch. 11, Wis. Stats.; or the exchange of customary gifts among relatives.

(c) Specific Conflict Enumerated:

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



2 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 he/she use such information to advance the financial or other private interest of himself/herself or others.

3 Gifts and Favors: No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which, to his/her knowledge, is interested directly or indirectly, in any manner whatsoever in business dealings with the Village, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him/her in the discharge of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value. Gifts received under unusual circumstances should be referred to the Village Board within 10 days for recommended disposition.

4 Representing Private Interests Before Village Agencies: No officer or employee shall appear on behalf of any private person other than himself/herself, his/her spouse, or minor children before any Village agency. However, a member of the Village Board may appear before Village agencies on behalf of his/her constituents in the course of his/her duties as a representative of the electorate or in the performance of public or civic obligations.

(d) Contracts with the Village: No Village officer or employee who, in his/her capacity as such officer or employee, participates in the making of a contract which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his/her 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

2 The Village Board waives the requirement of the section after determining that it is in the best interest of the Village.

(e) Disclosure of Interest in Legislation: Any member of the Village Board who has a financial interest or 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. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Village Board who participates in discussion with or gives an official opinion or recommendation to the Village Board shall hereby disclose on the record of the Village Board the nature and extent of such interest.

(6) **STATE STATUTE ADOPTED:** The provisions of §946.10 and 946.12, Wis. Stats., and any amendments to same are adopted in their entirety.

(7) **ADVISORY OPINION:** Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems it necessary or appropriate, may request an advisory opinion from the Village Attorney.

(8) **JURISDICTION AND APPLICATION:** The Village Board shall have exclusive jurisdiction over this Code of Ethics.

(1) Upon the sworn written complaint of any person alleging facts which, if true, would constitute improper conduct under any provision of this Ordinance, the Village Board or appointee of the Village Board shall conduct an investigation of the facts set forth in the complaint. If the investigation determines that there is credible evidence to support the allegation(s) set forth in the complaint, the Village Board shall conduct a public hearing in accordance with common law practice of due process and in written findings of fact and conclusions based on the testimony presented, make a written determination as to the violation(s) alleged.

(9) **SANCTIONS:** Violation of any provision of this Ordinance may constitute a cause for suspension, removal from office or employment, or other disciplinary action, all as determined by the Village Board.

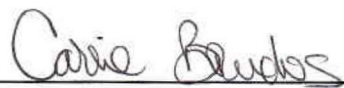
Section 2: All Ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 3: This Ordinance shall take effect from and after its passage and publication/posting as provided by law.

Passed and adopted this 7<sup>th</sup> day of August, 2012.

  
David Robertson, Village President

ATTEST:

  
Carrie Brudos, Village Clerk

DATE POSTED: August 13, 2012