

Chapter 15

Town of Lake Mills Code of Ethics

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1-15-1: TITLE. This ordinance shall be known as, referred to or cited as the Town of Lake Mills Code of Ethics.

1-15-2: DECLARATION OF POLICY. The proper operation of democratic government requires that public officials and 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 office and employment not be used for improper personal gain; and that the public have confidence in the integrity of its government. The Town Board believes that a code of ethics for the guidance of town officials and employees will help them avoid conflicts which are substantial and material between their personal interests and their public responsibilities. 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 or by labor agreements negotiated with bargaining representatives.

1-15-3: DEFINITIONS. In this ordinance:

(1) "Official" means all town appointed or elected officials of town boards, committees or commissions, except judges.

(2) "Employee" means all persons filling an allocated position of town employment and all members of boards, committees and commissions not included in (1).

(3) "Immediate family" means:

- (a) An individual's spouse; and
- (b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(4) "Anything of value" means any money or property, favor, service, payment, subscription, advance, forbearance, loan or promise of future employment, but DOES NOT INCLUDE: compensation and expenses paid by the Town of Lake Mills, speaking fees, honorariums and expenses, political contributions which are properly reported, occasional meals and beverages, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal value, or hospitality extended for a purpose unrelated to town business by a person other than an organization. It shall be presumed that any item with a

value of less than \$25 shall not be considered "anything of value" constituting a violation of any other provision of this ordinance.

(5) "Privileged information" means written or oral material related to town government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders or custom as privileged.

1-15-4: DISCLOSURE OF INFORMATION. (1) Not later than May 31st of each odd numbered year, officials shall file with the Town Clerk a true statement containing information herein determined to be pertinent to public office. Officials elected or appointed after May 31st of any year shall file such statement within ten days after taking office. Such statements shall be public records and open to public inspection.

(2) Every candidate for election to the office of town board or any other town elected office, except judicial office, shall file with the Town Clerk the required statement within ten days after filing nomination papers or within ten days after any other form of nomination. The statements of candidates shall be public records and open to public inspection until ten days after the election. Thereafter, such statements shall be sealed and designated privileged and subject to examination only upon order of a court of record.

(3) Form of Statement. Officials shall file the required statement on forms furnished by the Town Clerk and shall include:

(a) The name and address of the official and the names and addresses of the immediate family.

(b) The nature and source of the principal income of the official.

(c) The names and addresses of all creditors to whom the official or a member of his immediate family is indebted more than \$5,000.00, excluding the indebtedness on the official's principal residence and excluding the indebtedness to any person, business, corporation or partnership not residing in, located in or conducting business in the Town of Lake Mills.

(d) The names and addresses of all corporations, partnerships and sole proprietorships other than religious, political or charitable organizations in which the official or a member of his immediate family holds any office or directorship, excluding any such corporation, partnership or sole proprietorship located outside the Town of Lake Mills and not conducting business in the Town of Lake Mills.

(e) The identity of real property located in the Town of Lake Mills other than the principal residence in which the official or a member of his immediate family owns an interest. If such interest is a fractional share of not more than one-tenth, it is not necessary to report such interest.

1-15-5: RESPONSIBILITY OF PUBLIC OFFICE. 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 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 conduct and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interests must be their primary concern.

1-15-6: FAIR AND EQUAL TREATMENT. (1) Use of Public Property. No official or employee shall use or knowingly permit the use of town services or property, including but not limited to town-owned

vehicles, equipment, materials, town accounts and credit cards for unauthorized nongovernmental purposes or for unauthorized personal convenience or profit unless such services or use are available to the general public.

(2) 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.

1-15-7: CONFLICT OF INTEREST. (1) Financial and Personal Interest Prohibited. No person subject to this ordinance may:

(a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest, or

(b) 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 official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(2) Special Conflicts Enumerated. Conflicts of interest prohibited under this section shall include, but not be limited to the following:

(a) Incompatible Employment. No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law.

(b) Disclosure of Privileged Information. No official or employee shall, without lawful authority, knowingly disclose or knowingly permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. No official or employee shall use privileged information to advance the financial or personal interest of himself or his immediate family.

(c) Gifts and Favors. No official or employee shall accept, from any person or organization directly or indirectly, anything of value without full payment therefore if it could reasonably be expected to influence his vote, governmental actions or judgment or could reasonably be considered as a reward for any governmental action or inaction. Acceptance of anything with a value less than \$25 shall be presumed to not be expected to influence a vote, governmental action or judgment, or reasonably be considered as a reward or for any governmental action or inaction.

1-15-8 COMPLIANCE WITH STATE STATUTES. (1) The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

- s. 19.01 - Oaths and Bonds
- s. 19.21 - Custody and Delivery of Official Property and Records
- s. 19.59 - Code of Ethics for Local Governmental Officials, Employees and Candidates
- s. 19.81 through s. 19.89 - Open Meeting of Governmental Bodies
- s. 946.13 - Private Interest in Public Contract Prohibited

(2) Officials, employees and candidates shall comply with the provisions of these enumerated sections of the Wisconsin Statutes and failure to so comply shall constitute a breach of the Code of Ethics.

1-15-9: ETHICS CODE ADMINISTRATION. (1) Any person subject to this ordinance may request an advisory opinion from the Town's Attorney regarding the propriety of actions regarding any matter to which the person is or may become a part.

(2) In the event the Town's Attorney has a potential conflict of interest, the Town's Attorney may recommend a disinterested attorney to investigate and evaluate any matter arising out of this ordinance. In the event such investigation reveals probable cause concerning a violation, the investigator may refer this information to the District Attorney.

(3) The District Attorney is authorized to prosecute violations of this ordinance, seeking a forfeiture, writ of mandamus or injunction, as the case may be, in a proper court of record. In the alternative, the District Attorney may direct compliance with the provisions of the Ethics Code or applicable state law, or issue a statement of reprimand which shall constitute a public record for inspection.

1-15-10: PENALTIES. (1) Any person violating the provisions of this ordinance shall be subject to reprimand, censure or civil prosecution in a court of record.

(2) Any person violating the provisions of this ordinance and convicted in a court of record shall be indebted and required to pay to the Town of Lake Mills a forfeiture of not less than \$25.00 nor more than \$500.00, together with taxable costs, and, upon default in the payment of such forfeiture and costs, may be incarcerated in the County Jail until such forfeiture and costs are paid, but in no event shall such confinement exceed thirty days.

EFFECTIVE DATE. This ordinance shall take effect upon passage and publication according to law this 13th day of September, 2011.

Attest: /ss/ Robin Untz, Town Clerk

/ss/: Hope Oostdik, Chairperson

David Schroeder, Supervisor I

James Colegrove, Supervisor II