



Village of Nelsonville
Portage County, Wisconsin
Ordinance # 2018-12-11-1

The Village Board of Nelsonville, Wisconsin, does ordain as follows, a code of ethics for village public officials and public employees.

ETHICS CODE

DIVISION 1. - GENERALLY

Sec. 2-792. -**Statement of purpose.**

- (a) The proper operation of democratic government requires that public officials and public 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 a Code of Ethics for all village public officials and public employees, whether elected or appointed, paid or unpaid, including members of authorities, 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 public officials and public employees by setting forth those acts or actions that are incompatible with the best interests of the village and by directing disclosure by such public officials and public employees of private associational, financial, personal or other interests in matters affecting the village. The village board believes that a Code of Ethics for the guidance of elected and appointed public officials and public 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 public officials and public employees. The village board hereby reaffirms that each elected and appointed village public official and public employee holds such 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.

Sec. 2-793. - **Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Anything of value.* Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the village, gifts of nominal value, honorariums, fees and expenses under the standards and reporting requirements set forth in Wis. Stats. § 19.56, political contributions as regulated by [Section 2-827](#), or hospitality extended for a purpose unrelated to village business by a person other than a business.

- (b) *Associational interest.* An interest arising with reference to any organization in which a person or a member of the person's immediate family is a director, officer or trustee, or of which a person or a member of the person's immediate family is an authorized agent, spokesperson or representative; or an interest arising out of an issue of a political party in which a person or a member of the person's immediate family is a member.
- (c) *Business.* Any corporation, partnership, limited liability company, proprietorship, firm, enterprise, joint venture, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (d) *Confidential information.* Any of the categories of information identified in Wis. Stats. § 19.36, of the Wisconsin Public Records Law, including, but not limited to, matters discussed by the village board or any village committee or commission during portions of meetings during which the village board, authority, committee or commission was in a duly convened closed session pursuant to Wis. Stats. § 19.85.
- (e) *Conflict of interest.* Any situation in which a public official or public employee has a real or apparent incompatibility between personal, financial, or associational interests and the discharge of professional or legal duties.
- (f) *Financial interest.* Any interest that shall yield, directly or indirectly, a monetary or other material benefit or loss to the public official or public employee or to any person employing or retaining the services of the public official or public employee.
- (g) *Gift of nominal value.* A gift to a public official or public employee in an amount or of such character that cannot reasonably be expected to influence the actions of the public official or public employee.
- (h) *Immediate family.* An individual's:
 - (1) Spouse; and
 - (2) Relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of the relative's support from the individual or from whom the individual receives, directly or indirectly, more than one-half the individual's support.
- (i) *Official action or official act.* Any action taken by a public official or public employee acting within the scope of their authority, including, without limitation, making, seconding, or voting on motions, as well as participating in discussions or deliberations on matters before the village board or before any authority, board, committee, or commission established or appointed by the village president or the village board pursuant to the Code.
- (j) *Personal interest.* Any interest arising from blood or marriage relationships or from close business, political or other associations, whether or not any financial interest is involved.
- (k) *Public employee.* Any person excluded from the definition of a public official who is employed by, or is a compensated volunteer for, the village.
- (l) *Public official.* Those persons serving in statutory elected or appointed offices provided for in Wis. Stats. Ch. 61, and all members appointed to authorities, boards, committees and commissions established or appointed by the village president and/or village board pursuant to this Code, whether paid or unpaid.

State Law reference — Definitions, Wis. Stats. § 19.42.

Sec. 2-794. - **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 Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and public employees whenever applicable, to wit:

- (a) Sec. 946.10. Bribery of Public Officials and Public Employees.
- (b) Sec. 946.11. Special Privileges from Public Utilities.
- (c) Sec. 946.12. Misconduct in Public Office.
- (d) Sec. 946.13. Private Interest in Public Contract Prohibited.

Sec. 2-795. - **Responsibility of public office.**

Public officials and public employees are agents of public purpose and hold office or are employed 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 offices or positions regardless of associational, financial or personal interest, recognizing that the public interest must be their prime concern.

Sec. 2-796. - **Dedicated service.**

- (a) Public officials and public employees shall carry out their responsibilities in a manner that is consistent with the work rules and performance standards established by the appropriate authority.
- (b) Public officials and public employees shall 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 public employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

Sec. 2-797. - **Fair and equal treatment.**

- (a) Use of public property. No public official or public 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 public official or public employee in the conduct of official business, as authorized by the village board, or by any authorized board, authority, commission or committee, or by the village administrator.
- (b) Use of village stationery. No public official or public employee shall use village stationery except for the conduct of official village business.
- (c) Obligations to citizens. No public official or public employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No public official or public employee shall use or attempt to use their position with the village, or taken any official action, to secure any advantage, preference or gain, over and above their rightful remuneration and benefits, or for their associational, financial or personal interest.
- (d) Political contributions.
 - (1) No public official or supervisor 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.
 - (2) No public official or public employee is precluded from engaging in political activity, provided the activity does not interfere with normal work performance, is not conducted during work hours, and does not involve the use of village equipment, property, or other resources.

- (3) Public officials and public employees are specifically prohibited from seeking contributions to political candidates during work hours and from directly or indirectly coercing any person to contribute monetary or other types of assistance to any political candidate, party, or purpose.

DIVISION 2. - CONFLICT OF INTEREST

Sec. 2-818. - Conflict of interest.

Conflicts of interest undermine the confidence of the public in the operations of village government. Accordingly, public officials and public employees are expected to conduct themselves in a manner that avoids conflicts of interest, or the appearance of any impropriety in the discharge of their official responsibilities. The following specific responsibilities shall apply to all public officials and public employees:

(a) Prohibited conduct.

1. No public official or public employee of the village, shall engage in any business or transaction or shall take any official action in regard to associational, 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 public official, or public employee who has an associational, financial or personal interest in any matter pending before the village board or any authority, board, commission or committee upon which the public official or public employee has any influence or input or of which the public official or public employee is a member that is to make a recommendation or decision on the pending matter shall disclose on the record, orally or in writing, the nature and extent of such interest. Such public official or public employee shall not participate in debate or discussion or vote for adoption or defeat of such matter. If the public official or public employee wishes to comment as a private citizen, the public official or public employee shall remove to the audience.

Sec. 2-819. - Disclosure of confidential information.

No public official or public 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 the public official or public employee or others.

Sec. 2-820. - Incompatible employment.

No public official or public employee shall engage in or accept other employment or render service for any person or entity, when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair such public official or public employee's independence of judgment or action in the performance of their official duties, unless otherwise permitted by law and unless disclosure is made as provided in [Section 2-830](#).

Sec. 2-821. - Gifts and favors.

- (a) No public official or public employee shall accept or offer to accept anything of value from any person who, to their knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the village, or from any person who conducts activities which are regulated by the village, or from any person who has interests which may be substantially affected by actions of the village.
- (b) No public official or public employee shall accept or offer to accept anything of value or grant in the discharge of their duties any improper favor, service, or thing of value.
- (c) Gifts received under unusual circumstances shall be referred to the village board within ten days for recommended disposition or advisory opinion.
- (d) A public official or public employee shall not 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 public official or public employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events that are open to the public are excluded from this prohibition. This Subsection shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

Sec. 2-822. - **Representative private interests before village agencies or courts.**

- (a) Nonelected village public officials and public employees shall not appear as the representative of any private person (other than such person's self, such person's spouse or minor children) before any village agency, authority, board, commission, committee or the village board if the public official or public employee or any authority, board, commission or committee of which the public official or public employee is a member, has any jurisdiction, discretion or control over the matter which is the subject of such representation.
- (b) Elected village public 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 [Section 2-818](#) shall be applicable to such appearances.

Sec. 2-823. - **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 village board, orally or in writing, that such interest exists.

Sec. 2-824. - **Contracts with the Village.**

No public official or public employee who, in their capacity as such public official or public employee, participates in the making of a contract in which such public official or public employee has a financial interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such public officer or public employee, shall enter into any contract with the village unless:

- (a) The contract is awarded through a process of public notice and competitive bidding;

- (b) The contract or activity is exempt from or otherwise deemed appropriate by Wis. Stats. § 946.13;
- (c) The Ethics Board waives this requirement after determining that it is in the best interest of the village to do so.

Sec. 2-825. - **Disclosure of certain financial interests.**

- (a) All elected officials shall file an initial statement and annually amend such statement on or before May 1 if substantial changes have occurred in economic interests as defined and limited to [Section 2-826](#) within a time period specified by the village board.
- (b) Within seven days after a person becomes a candidate for any elective village office, such person shall file a statement of economic interests with the village board.
- (c) No person required to file a statement of economic interests under this Section who has not complied with Subsection (b) of this Section shall have such person's name appear on the ballot, take the oath of office, or receive salary or compensation until such person files such statement of economic interests. The village clerk-treasurer is directed to strike from the ballot the name of any candidate who has not complied with Subsection (b) of this Section. The village clerk-treasurer shall withhold payment of salary or other compensation from any official who has not complied with Subsection (b) of this Section.

State Law reference— Financial disclosure, Wis. Stats. § 19.43.

Sec. 2-826. - **Form of disclosure.**

A person filing any statement of interests shall file the statement on a form prescribed by the village board and shall supply the following information:

- (a) The name and address of the person filing and spouse (if any) of the person and all names used in business or any professional practice;
- (b) The name of all business interests in which the person and/or spouse hold any office or directorship or own or control, directly or indirectly, more than two percent of the stock or other ownership interest or an interest of \$10,000.00, whichever is less, and all names they use in business or any professional practice;
- (c) The names of the person's and/or spouse's sources of income of \$10,000.00 or more per year;
- (d) A description of all parcels of real estate within the village and adjoining municipalities in which the person filing and/or spouse own any interest, including options to purchase;
- (e) The name of all persons or creditors to whom the person filing and/or spouse owe secured or unsecured debt of \$10,000.00 or more, excluding debts in a personal residence or real property used primarily for personal recreation purposes, credit card debt, student loans and health-related debt;
- (f) Any business licenses issued by the village to the person filing and/or spouse, or to the employer or business interest of the person and/or spouse;
- (g) The name and address of employers of the person filing and/or spouse during the ten years immediately preceding the filing of the statement of interests, and a brief description of the position held with the employer and the nature of the business of the employer;
- (h) The name and address of all organizations of which the person filing and/or the person's immediate family are, or were, an officer or director.

State Law reference— Financial disclosure, Wis. Stats. § 19.45; form of statement, Wis. Stats. § 19.44.

Sec. 2-827. - **Campaign contributions.**

Campaign contributions shall be reported by all candidates for village office in strict conformity with the provisions of the Wisconsin Statutes unless the candidate has applied for an exemption. Any campaign contribution tendered to or accepted by a candidate subsequent to filing a termination report with the village clerk-treasurer must be returned immediately.

Sec. 2-829. - **Sanctions.**

- (a) A determination that a public employee or official's actions constitute improper conduct under the provisions of this Chapter shall constitute a basis on which the possibility of removal proceedings pursuant to Wis. Stats. § 17.13(3) may be commenced, or a basis for censure of the public official.

Adopted on this 9th day of October, 2018.

Signed: _____
Robert Bailey, Village president

Signed: _____
Lisa Anderson, Clerk/Treasurer