

Chapter 48

ETHICS, CODE OF

[HISTORY: Adopted by the Common Council of the City of Bayfield 4-1-1992 (§§ 2-5-1 through 2-5-9 of the 1992 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Boards, commissions and committees — See Ch. 21.

Mayor and Council — See Ch. 72.

Officers and employees — See Ch. Ch. 79.

§ 48-1. 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 City of Bayfield officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the City, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.
- 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 interests of the City of Bayfield and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The Common Council 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 City in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed City 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 City of Bayfield.

§ 48-2. Definitions.

The following definitions shall be applicable in this chapter:

ANYTHING OF VALUE — 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.

BUSINESS — Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

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.

PERSONAL INTEREST — The following specific blood or marriage relationships:

- A. A person's spouse, mother, father, child, brother or sister; or
- B. A person's relative by blood or marriage who receives, directly or indirectly, more than 1/2 support from such person or from whom such person receives, directly or indirectly, more than 1/2 of his support.

PUBLIC EMPLOYEE — Any person excluded from the definition of a public official who is employed by the City.

PUBLIC OFFICIAL — Those persons serving in statutory elected or appointed offices provided for in Ch. 62, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Mayor and/or Common Council pursuant to the Code of the City of Bayfield, whether paid or unpaid.

SIGNIFICANT INTEREST — Owning or controlling, directly or indirectly, at least 10% or \$5,000 of the outstanding stock of at least 10% or \$5,000 of any business.

§ 48-3. 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 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 employees whenever applicable, to wit:

Wis. Stats. Section Title

§ 946.10	Bribery of Public Officers and Employees
§ 946.11	Special Privileges from Public Utilities
§ 946.12	Misconduct in Public Office
§ 946.13	Private Interest in Public Contract Prohibited

§ 48-4. 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.

§ 48-5. 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 City staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the City Clerk. The City Clerk may notify the appropriate professional ethics board of any ethics violations involving City employees covered by such professional standards.

§ 48-6. Fair and equal treatment.

- A. Use of public property. No official or employee shall use or permit the unauthorized use of City-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 City policy for the use of such official or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- B. Use of City stationery. Copies of any correspondence written on City stationery shall be filed with the City Clerk, 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 City 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 City 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.

§ 48-7. Conflict of interest.

- A. Financial and personal interest prohibited.
 - (1) No official or employee of the City, 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 Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of

the Common Council 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 Council 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 and vote on the matter.

- (3) Any nonelected official, other than a City employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council 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 Common Council 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 City employee who has a financial interest or personal interest in any proposed legislative action of the Common Council 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 a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council 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 City, nor shall such information be used to advance the financial or other private interests of the 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, 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.
 - (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 City official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from

this prohibition. This subsection 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 Common Council 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 Common Council. Failure to comply with this reporting requirement shall constitute an offense under this chapter.

D. Representing private interests before City agencies or courts.

- (1) Nonelected City 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 City agency, board, commission or the Common Council 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 City officials may appear before City 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 Common Council that such interest exists.

F. Contracts with the City. No City 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 some function requiring the exercise of discretion on his part shall enter into any contract with the City 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 Common Council waives the requirement of this section after determining that it is in the best interest of the City to do so.
- (2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.

§ 48-8. Advisory opinions.

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the City Attorney. 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 public.

§ 48-9. Hiring relatives.

- A. This section governs the proposed hiring of individuals for full-time or part-time work as City employees who are members of the immediate family of City employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in § 48-2, definition of "personal interest."
- B. Hiring an immediate family member of any current City employee or elected City 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, City board or commission or Common Council) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Common Council approval, with notice, before the new employee is permitted to begin work. Marriage between two individuals already employed by the City or their relatives will not be considered a violation of this policy.
- C. This section does not apply to nonelected officials who are asked to accept appointment as members of a City board, commission or committee; nonelected 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 City.