

Chapter 9 CODE OF ETHICS

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9.01. Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that decisions and policy be made in the best interests of the people, the community, and the government; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, the following code of ethics shall apply to all candidates for county office, elected and appointed officers and employees of the county, and members of county boards and commissions. Nothing contained herein is intended to deny to any individual those rights granted by the United States Constitution, the constitution of the state, the laws of the state, or labor agreements negotiated with certified employee bargaining representatives.

9.02. Definitions.

- (1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the county, fees and expenses which are permitted and reported under section 9.15 of the Code, political contributions which are reported under ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to county business by a person other than an organization.
- (1m) "Appointed official" means any member appointed to a county commission or board.
- (2) "Associated," when used with reference to an organization, includes any organization in which an individual or a member of his/her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten (10) percent of the outstanding equity.
- (3) "Board" means the ethics board.
- (4) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity which engages in profit-making activities.
- (5) "Elected official" means any person holding an elected county office.
- (6) "Employee" means any person holding an office or position in the classified service of the county or any person holding a non-classified office or position, except elected officials and appointed officials.
- (7) "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/her support directly from the individual or from whom the individual receives, directly or indirectly, more than one-half of his/her support.
- (8) "Ministerial action" means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.
- (9) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.
- (10) "Privileged information" means information obtained under government authority which has not become a part of the body of public information.
- (10m) "Public official" means any elected official or appointed official.
- (10n) "Reporting period" means any 6-month period beginning with Jan. 1 and ending with June 30 or beginning with July 1 and ending with Dec. 31.
- (11) "Significant fiduciary relationship" means owning or controlling, directly or indirectly:

- (a) At least ten (10) percent of the outstanding stock or stock of any business corporation having a cost or market values of at least five thousand dollars (\$5,000.00), or
 - (b) An interest of at least ten (10) percent or five thousand dollars (\$5,000.00) of any business.
- (12) "Resources" means county supplies, services, or facilities not available to all citizens.

9.03. Financial disclosure.

- (1) All county elected and appointed officials, candidates for elected county offices, and county employes whose duties and responsibilities, performed for or on behalf of the county or any board or commission thereof, include the awarding or execution of contracts for the purchase of supplies, services, materials, and/or equipment; the construction of public works; and/or the sale or leasing of real estate or who may be designated by the ethics board shall file statements of economic interests as set forth in this section. In the case of members of boards and commissions, the ethics board may, in its discretion, require the filing of economic interest statements by members of boards and commissions. Upon failure of any such person to file the requested statement within a period of thirty (30) days from the date requested in writing by the ethics board, such person shall be subject to those penalties applicable to others who fail to file such statements as required by this chapter.
- (2) All county elected officials and all candidates for county elected offices shall file initial statements of economic interests with the county election commission on the date of filing of nomination papers.
- (3) Upon entering county employment, employes required to file statements of economic interests shall do so within thirty (30) days after commencement of employment.
- (4) (a) Each person required to file a statement of economic interests shall file updated statements with the ethics board within thirty (30) days after the closing of each calendar year.
(b) Each member of the county pension board and each employe of the pension board who is a county official or employe, shall complete and file with the ethics board a quarterly financial disclosure statement no later than the last day of the month following the end of each calendar quarter or any portion thereof in which he or she was a member or employe of the county pension board. The county executive and each member of the county board, ethics board and election commission shall complete and file with the ethics board a semi-annual financial disclosure statement no later than the last day of the month following the end of each reporting period. Such financial disclosure statements shall be in the form prescribed by the ethics board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by sections 9.05 and 9.15.
- (c) No person required to file a statement of economic interests under this section may receive his/her salary or other compensation until he/she files such statement of economic interests.
- (d) County elected officials, appointed officials, candidates, and employes required to file statements of economic interests, as required by section 9.03, shall include and file statements of a spouse's financial assets and liabilities.
- (5) All county elected and appointed officials and county employes referred to in section 9.03 of this chapter shall, within thirty (30) days after the close of each calendar year, file with the ethics board a sworn affidavit regarding compliance with this chapter on a form provided by the ethics board, and approved by the county board, shown as appendix A to this chapter or as it may be amended from time to time by the ethics board and approved by the county board.
- (6) Each department head in the service of the county shall submit to the executive director of the ethics board an updated list of the job titles and position numbers of those incumbents within his/her jurisdiction who, in his/her opinion, should be required to executive such an annual affidavit.

9.04. Form of statement.

The person filing a statement of economic interests, as required under this chapter, shall file the statement on a form prescribed by the ethics board and shall include the following information applicable as of the 15th day of the month preceding the month in which the statement is filed:

- (a) The identity of every significant fiduciary relationship and the offices and directorships held by him/her;

- (b) The identity and amount of bonds, debentures, or debt obligations of a municipal corporation or other corporation, in excess of five thousand dollars (\$5,000.00), held by him/her;
- (c) The name of any creditor to whom he/she owes five thousand dollars (\$5,000.00) or more and the amount owed;
- (d) The identity of each significant fiduciary relationship and the identity and amount of bonds, debentures, or debt obligations of a municipal corporation or other corporation in excess of five thousand dollars (\$5,000.00) transferred by him/her to a member of his/her immediate family in the two (2) calendar years preceding the filing of the statement;
- (e) The real property in the county or in a contiguous county in which the person who is required to file holds an interest, other than the principal residence of such person, and the nature of the interest held. A person's interest in real estate does not include a pro rata share of interest in real estate if the person's pro rata share is less than ten (10) percent of the outstanding shares or is less than an equity value of five thousand dollars (\$5,000.00); and
- (f) The identity of each nonstock corporation doing business with the county in which such person holds an office or position and the title of the office or position.

9.05. Code of ethics.

(1) The county board hereby reaffirms that a county elected official, appointed official or employe holds his/her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. This chapter shall not prevent any county elected official, appointed official or employe from accepting other employment or from following any pursuit which does not interfere with the full and faithful discharge of his/her duties to the 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 public officials or public employes retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for public employes and public elected and appointed officials need to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material; and that county elected officials, appointed officials or employes may need to engage in employment and/or professional or business activities, other than official duties, in order to support their families and to maintain a continuity of professional or business activity or may need to maintain investments if those activities or investments do not conflict with the specific provisions of this chapter.

(2) (a) Except as otherwise provided or approved by the county board, no county public official or employe may use his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated. This paragraph does not prohibit a county elected official from using the title or prestige of his/her office to obtain campaign contributions that are permitted and reported as required by ch. 11, Wis. Stats.

(b) No person may offer or give to any public official or employe, directly or indirectly, and no public official or employe may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's or employe's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the public official or employe. This section does not prohibit an elected official, appointed official or employe from engaging in outside employment.

(c) Except as otherwise provided in paragraph (j), no elected official, appointed official or employe may:

1. Take any official action substantially affecting a matter in which the public official, employe, a member of his/her immediate family, or an organization with which the public official or employe is associated has a substantial financial interest.
2. Use his/her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the public official, employe, one (1) or more members of the public official's or employe's immediate family either separately or together, or an organization with which the public official or employe is associated.

(d) No county elected official, appointed official or employe may use or disclose privileged information gained in the course of, or by reason of, his/her position or activities which in any way could result in financial gain for himself/herself or for any other person.

(e) No county elected official, appointed official or employe may use or attempt to use his/her public position to influence or gain unlawful benefits, advantages, or privileges for himself/herself or others.

- (f) No county elected official, or appointed official may offer or give to a member or employe of a department, while that member or employe is associated with the department, and no member or employe of a department may solicit or accept from any such person anything of value.
- (g) No county elected official, appointed official or employe and no business with which he/she has a significant fiduciary relationship may enter into any contract with the county unless that contract has been awarded through a process of public notice and competitive bidding under § 59.08, Wis. Stats., or ch. 32 of the Code.
- (h) No county elected official, appointed official or employe and no business in which that county public official or employe has a ten (10) percent or greater interest may enter into a lease of real property with the county, except the county board, upon request, may waive this subsection when it is in the best interests of the county.
- (i) This section shall not be construed to prohibit a county board supervisor, in the discharge of his/her official duties, from making inquiries for information on behalf of or representing a person before any county board, commission, or department.
- (j) Paragraph (c) does not prohibit an elected official from taking any action concerning lawful payment of salaries or employe benefits or reimbursement of actual and necessary expenses, or prohibit an elected official from taking official action with respect to any proposal to modify a county ordinance.
- (k) No elected county official may knowingly solicit a campaign contribution from any "at-will employe" defined as an employe who is not under contract, who is hired for an indefinite term or who can be discharged at any time for any nondiscriminatory reason.
- (l) No person(s) with a personal financial interest in the approval or denial of a contract being considered by a county department or with an agency funded and regulated by a county department, may make a campaign contribution to any county official who has approval authority over that contract during its consideration. Contract consideration shall begin when a contract is submitted directly to a county department or to an agency until the contract has reached final disposition, including adoption, county executive action, proceedings on veto (if necessary) or departmental approval. This provision does not apply to those items covered by section 9.15 unless an acceptance by an elected official would conflict with this section.
- (m) No county elected official, appointed official or employe may accept or solicit any honorariums, fees or expense reimbursements except in accordance with section 9.15.
- (3) (a) No former county elected official, appointed official or employe, for twelve (12) months following the date on which he/she ceases to be a county public official or employee, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before or try to settle or arrange a matter by calling, writing, or conferring with, any officer or employe of the department with which he/she was associated as a county public official or employe.
- (b) No former county elected official, appointed official or employe for twelve (12) months following the date on which he/she ceases to be a county public official or employe, may for compensation on behalf of any person other than a governmental entity, make any formal or informal appearance before, or try to settle or arrange a matter by calling, writing, or conferring with, any officer or employe of a department in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former official's or employe's responsibility as a county public official or employe.
- (c) No former county elected official, appointed official or employe may, for compensation, act on behalf of any party other than the county in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former public official or employe participated personally and substantially as a public official or employe.
- (d) The ethics board may accept and review written requests by appointed officials to be exempt from the prohibitions of (3). Such exemption must be in a written ethics board opinion stating the reason(s) that the former appointed official should be exempt from the otherwise prohibited conduct.

9.06. Action upon conflict.

- (1) If any county elected official, appointed official or employe who, in the discharge of his/her official duties, is required to take an action which is prohibited by this chapter, such county public official or employe:
 - (a) Shall not take such action;

- (b) Shall prepare a written statement describing the matter requiring action or decision and the nature of the possible violation with respect to such action or decision;
 - (c) Shall deliver copies of such statement to the ethics board and to his/her immediate supervisor, if any; and
 - (d) In the case of a county board supervisor, may deliver a copy of such statement to the chairperson of the county board who shall cause such statement to be printed in the proceedings and, upon request, shall excuse a supervisor from votes, deliberations, and other actions on the matter on which a possible conflict exists.
- (2) The ethics board shall review the statement describing the matter requiring action or decision and the possible nature of the possible violation and may advise the county elected official, appointed official or employe. Any person subject to this chapter may request that the ethics board provide written advice regarding the propriety of any matter to which he/she is or may become a party. Written advice issued under this subsection shall be confidential except that it may be included in materials referred to the independent fact finder under section 9.13 or may be produced as may be required by operation of law. Other than the person who initially requested preparation of the statement regarding the possible violation, may make the contents of any written advice or other records related to that advice of the ethics board public except as may be required by operation of law. It shall be prima facie evidence of intent to comply with this chapter when the county public official or employe refers a matter under this section to the ethics board and abides by the written advice.
- (3) A county elected official, appointed official or employe may request the ethics board to obtain an advisory opinion from the corporation counsel on the application of this chapter to a given set of circumstances, real or hypothetical, or the board may request such an opinion on its own motion.
- (4) Nothing in this section prohibits a county board supervisor from making decisions concerning reimbursement of expenses, salaries, or salary-related benefits of county board supervisors.

9.07. Ethics board.

- (1) There is hereby created an ethics board, consisting of six (6) residents of the county, to be appointed by the county executive and confirmed by the county board. The members shall be appointed initially for staggered terms of one (1) to six (6) years. Upon expiration of initial terms, all appointments shall be for a term of six (6) years.
- (2) No member may hold any other office or employment in the government of the county.
- (3) No member when appointed, for one (1) year immediately prior to the date of appointment or while serving on the ethics board, may have been a member of a political party, an officer or member of a committee in any partisan political club or organization, or a candidate for any partisan elective public office. No member may become a candidate for or hold any such office while serving on the ethics board.
- (4) The county executive shall appoint, subject to confirmation by the county board, an executive director who shall perform such duties as the ethics board assigns to him/her. The county board shall provide such additional personnel as may be required in the administration of this chapter.
- (5) Any action by the ethics board shall require an affirmative vote of four (4) members.
- (6) No later than April 1 of each year, the ethics board shall report to the county executive and the county board concerning its actions in the preceding calendar year, including a summary of its determinations and the current and complete text of all guidelines issued by the ethics board.
- (7) A brief resume of each appointee to the ethics board, including his/her past affiliations, shall be furnished by the county executive to every member of the county board at least thirty (30) days prior to county board action on confirmation of the appointee.

9.08. Duties of the ethics board.

The ethics board shall:

- (1) Adopt such rules as may be necessary to carry out this chapter. The board shall give prompt notice of the contents of its rules to public officials and employes who will be affected thereby;
- (2) Prescribe and make available forms for use under this chapter;
- (3) Accept and file any information related to the purposes of this chapter which is voluntarily supplied by any person, in addition to the information required by this chapter;

- (4) Preserve the statements of economic interests filed with the board for a period of six (6) years from the date of receipt in such form, including microfilming, as will facilitate document retention, except that upon the expiration of three (3) years after an individual ceases to be a public official or employe, the board, unless the former public official or employe otherwise requests, shall destroy any statement of economic interests filed by him/her and any copies thereof in the board's possession;
- (5) Report in writing, as soon as possible, the identity of any individual seeking to copy or obtain information from a statement of economic interests to the individual who filed the statement of economic interests. This subsection does not apply to the board or to any individual acting on behalf of the board.
- (6) Facilitate a semi-annual educational course regarding this chapter and related forms for all employes and others subject to this chapter.

9.09. Complaints.

- (1) The ethics board shall accept from any individual, either personally or on behalf of any organization or governmental body, a verified written complaint which states the name of any person alleged to have committed a violation of this chapter and which sets forth the particulars thereof. The board shall forward to the accused, within ten (10) days, a copy of the complaint and a general statement of the applicable ordinances with respect to such verified complaint. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this chapter, it shall dismiss the complaint and notify the complainant and the accused. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this chapter, it may make an investigation with respect to any alleged violation. If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.
- (2) Any county elected official, appointed official or employe may request the board to make an investigation of his/her own conduct or of allegations made by other persons as to his/her conduct. Such a request shall be made in writing and shall set forth, in detail, the reasons therefor.
- (3) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, which provides a reasonable basis for the belief that a violation of this chapter has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. Such investigation shall be initiated by a resolution of the board and shall state the nature and purpose of the investigation and the actions or activities to be investigated. No investigation of any person may be commenced until that investigation has been authorized by the board and until the person who is the subject of the investigation has been notified of the investigation pursuant to subsection (4). If the board, during the course of an investigation, finds probable cause to believe that a violation of this chapter has occurred, it may:
 - (a) If no verified complaint has been filed, make upon its own motion, a verified written complaint which shall state the name of the person who is alleged to have committed a violation of this chapter and which shall set forth the particulars thereof. The board shall forward to the accused, within ten (10) days, a copy of the complaint, a general statement of the applicable ordinances with respect to such verified complaint, and a specific statement enumerating the source(s) of information upon which the complaint is based.
 - (b) If a verified complaint has been filed and the board finds probable cause to believe that a violation(s) of this chapter other than one contained in the complaint, has occurred, it may, upon its own motion, amend the complaint to include such violations. If the complaint is so amended by the board, a copy of the amendment shall be sent to the person complained against within forty-eight (48) hours.
- (4) As soon as it becomes apparent to the executive director of the board that probable cause exists for the belief that a particular person has committed a violation(s) of this chapter, the executive director shall apply to the board for a resolution authorizing the investigation and, if secured, shall mail a copy of the resolution to the alleged violator together with (1) a notice informing the alleged violator that he or she is the subject of the investigation authorized by such resolution and (2) a general statement of the applicable ordinances with respect to such investigation. Service of the notice is complete upon mailing.
- (5) No action may be taken on any complaint which is filed after the later of:
 - (a) Three (3) years from the date on which a violation of this chapter is alleged to have occurred, or
 - (b) Three (3) years from the date the alleged violation of this chapter is discovered or, in the exercise of reasonable diligence, should have been discovered.
- (6) If no action on the verified complaint is taken by the board within six (6) months, the complaint shall be void.

9.10. Investigation.

Pursuant to any investigation or hearing conducted under this chapter, the ethics board has the power:

- (1) To require any person to submit, in writing, such reports and answers to questions relevant to the proceedings conducted under this chapter as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.
- (2) To administer oaths and to require, by subpoena issued by it, the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. The issuance of a subpoena requires action by the board in accordance with section 9.07(5).
- (3) To order testimony to be taken by deposition before any individual who is designated by the board and who has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by subsection (2).
- (4) To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

9.11. Probable cause of violation.

- (1) At the conclusion of its investigation, the ethics board shall, in written findings of fact and conclusions based thereon, make a determination as to whether or not probable cause exists to believe that a violation of this chapter has occurred. If the board determines that no probable cause exists, it shall dismiss the complaint and immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that there is probable cause for believing that a violation of this chapter has been committed, its findings of fact and conclusions may contain a recommendation of what charges, if any, should be brought against the accused. The board shall immediately send to the accused a copy of the findings of fact and conclusions together with any recommendations concerning charges.
- (2) If the board determines a charge(s) should be brought, the matter shall be referred to the county executive, together with recommendations regarding charges and proposed discipline. The county executive may appoint an independent fact finder who shall be a reserve or retired judge. If the county executive does not appoint an independent fact finder within thirty (30) days of referral, the board may file charges with the personnel review board which may then serve as the independent fact finder.
- (3) Notwithstanding (2), in the instance when it is determined that a charge(s) should be brought against an elected official or a former elected official, the ethics board shall determine whether charges will be filed with the personnel review board which will then function as the independent fact finder.

9.12. Hearing procedure.

The independent fact finder shall conduct, in accordance with the requirements of ch. 227, Wis. Stats., the hearings of any charges brought for the alleged violation(s) of this chapter. If the hearing is conducted by the personnel review board, the rules and procedures of the personnel review board shall control such hearings.

9.13. Findings of fact and conclusions; orders and recommendations.

- (1) If the independent fact finder determines that no violation of this chapter has occurred, he/she shall immediately send written notices of such determination to the accused and to the party who made the complaint. If the independent fact finder determines that a violation of this chapter has occurred, the independent fact finder shall send his/her findings of fact and conclusions to the accused and to the ethics board.
- (2) Upon receipt of the determination of the independent fact finder that a violation(s) of this chapter has occurred, the ethics board may make one (1) or more of the following orders or recommendations:
 - (a) Where this chapter has been violated by an employe in the classified service, the board shall refer the determination, together with copies of any records, reports, and transcripts in its possession or any other relevant evidence, to the appropriate appointing authority with a recommendation that such officer take such disciplinary action as in his/her judgment the facts may warrant, including reprimand, suspension, demotion, or discharge. Such proceedings shall be governed, where applicable, by the provisions of s. 63.10, Wis. Stats., the rules of the civil service commission, and the terms and conditions relating to employe discipline as set forth in agreements between the county and the certified collective bargaining unit of which the employe is a member.

- (b) Where this chapter has been violated by an employe or a nonelected officer in the exempt classification, the determination shall be referred to the officer by whom such employe was appointed, together with copies of any records, reports, and transcripts in the board's possession or other relevant evidence, with a recommendation that such officer shall take such disciplinary action as in his/her judgment the facts may warrant, including reprimand, suspension, or discharge.
- (c) Where this chapter has been violated by the county executive, sheriff, or register of deeds, the determination shall be reported to the governor, together with copies of any records, reports, transcripts in the board's possession, and/or other relevant evidence, with a recommendation that the elected official be reprimanded, or the board shall request that the governor remove the elected official from his/her office under the provisions of ch. 17, Wis. Stats.
- (d) Where this chapter has been violated by the clerk of circuit court, the determination shall be forwarded to the chief judge of the first judicial administrative district of the state, together with copies of any records, reports and transcripts in the board's possession, and/or other relevant evidence, with a recommendation that the clerk be reprimanded, or the board shall recommend that the clerk be removed from his/her office under the provisions of s. 17.09(2), Wis. Stats.
- (e) Where this chapter has been violated by the county clerk, county treasurer, or a county board supervisor, the determination of the ethics board shall be referred to the county board with a recommendation that the elected official be reprimanded, or written verified charges alleging violations of the code of ethics shall be filed by the ethics board with the county board requesting removal of the elected official from his/her office under the provisions of s. 17.09(1), Wis. Stats.
- (f) An order requiring the accused to conform his/her conduct to this chapter.
- (g) An order requiring individuals who have been found to have violated the code of ethics to forfeit an amount not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each violation of this chapter. The corporation counsel, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section which has not been paid by the person against whom its was assessed.
- (h) Such other recommendation(s) or order(s) as may be necessary and appropriate and consistent with the intent and purposes of this chapter.

9.14. Hearing before county board.

If charges are filed by the ethics board with the county board, such charges shall be referred to the committee on judiciary, safety and general services for a report. If the committee recommends that a hearing be held on the charges, a summons shall be issued to the county elected official charged; shall include a recitation of the violation(s); and shall notify the elected official to appear before the county board on a date and place to be fixed by the county board. The county elected official shall file his/her answer to the charges and comply with the order and judgment of the county board. At least ten (10) days prior to the date set for the hearing, the summons shall be served by the sheriff on the accused as provided for in ch. 801, Wis. Stats. relating to the service of a summons. The county elected official being charged may, within ten (10) days from the service of the summons, file with the county board his/her verified answer to the charges. At the hearing, evidence in support of the charges shall be presented on behalf of the ethics board by the corporation counsel or by a member of the corporation counsel's staff. The accused, who may appear in person to answer the charges or who may be represented by an attorney, shall be entitled to present such evidence in support of his/her position as may be relevant, competent, and material to the charges before the county board. Upon completion of the hearing, judgment shall be entered finding the accused guilty or not guilty of the charges. If found guilty, the county elected official may be removed from the office by a vote of two-thirds of the supervisors entitled to seats on the county board.

9.15. Honorariums, fees, and expenses.

- (1) Every county elected official, appointed official or employe is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups, and other gatherings to discuss the affairs of the county relative to the duties of that official or employe.
- (2) (a) Except as provided for in paragraph (b), every county public official or employe who is required to file a statement of economic interests, pursuant to section 9.03 and who receives any lodging, transportation, money, or other thing with a combined pecuniary value exceeding fifty dollars (\$50.00), not including the value of food or beverage offered coincidentally with a talk or meeting, shall report on his/her statement of economic interests the identity of every person from whom the county public official received such lodging, transportation, money, or other things during the preceding taxable year, the circumstances under which it was received, and the approximate value thereof.
- (b) A county public official or employe need not report on his/her statement of economic interests under paragraph (a) any compensation, reimbursement, or payment which:

- (1) The county public official or employe returns to the payer within thirty (30) days of receipt;
 - (2) The county public official or employe can show by clear and convincing evidence was made for a purpose unrelated to the purposes specified in subsection (1) and unrelated to the duties or responsibilities of the position of the public official or employe;
 - (3) The county public official or employe has previously reported to the ethics board as a matter of public record; or
 - (4) The county public official or employe is paid by that branch of county government or county department or agency in which the public official or employe is empowered or to which he/she has been elected.
- (3) Notwithstanding section 9.05, a county public official or employe may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for participation in a meeting and may receive and retain reasonable compensation if the work is published or the activity is accomplished by the county public official or employe without the use of the county's time or resources and outside the course of his/her official duties.
- (4) If a county public official or employe receives a payment not authorized by this chapter, in cash or otherwise, for a published work or talk or meeting, the county public official or employe may not retain that payment. If practicable, the county public official or employe shall deposit that payment in the general revenue account of the county. If that is not practicable, the county public official or employe shall return that payment or its equivalent to the payer or convey that payment to a charitable organization, other than one with which the county public official or employe is associated.

APPENDIX A
AFFIDAVIT

TABLE INSET:

STATE OF WISCONSIN)	
)	ss.
MILWAUKEE COUNTY)	

The undersigned, being first duly sworn on oath, deposes and says that he/she is a county elected official/employe (strike one) of Milwaukee County; that he/she has read and understands, and, to the best of his/her knowledge and belief, he/she has complied with the provisions of chapter 9 of the General Code of Ordinances of Milwaukee County relating to a code of ethics.

LEGISLATIVE HISTORY

All sections effective upon passage and publication unless otherwise indicated.

Ch. 9. Repealed and recreated - Nov. 5, 1992, J. Proc. p. 1698--99 [as printed Sept. 24, 1992, J. Proc. p. 1515--34 with corrections as specified J. Proc. Nov. 5, 1992 p. 1699], published Dec. 7, 1992. Amended - Jan. 12, 2005, J. Proc.

9.05(2)(k). Created - Feb. 19, 2004, J. Proc.

9.05(2)(l). Created - April 17, 2004, J. Proc.; [with corrections as specified J. Proc., published Dec. 15, 2005.]

9.05(2)(m). Created - Jan. 12, 2005, J. Proc.