

TITLE III

Chapter 11

ETHICS

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11.01 DECLARATION OF POLICY

It is the declared policy of the City of Blair that high moral and ethical standards among public officials and employees are essential to the conduct of good government. The Council believes that a Code of Ethics for the guidance of public 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 the City of Blair in their public officials and employees.

11.02 DEFINITIONS

- (1) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment.
- (2) “Gift” means the payment or receipt of anything of value without valuable consideration.
- (3) “Honorarium” means an honorary or free gift or gratuitous payment.
- (4) “Immediate family” means a person’s spouse and relative by marriage, lineal descent or adoption.
- (5) “Income” means the definition of same under the terms of the Internal Revenue Code.
- (6) “Public Official” means any person holding office, whether elected or appointed, with respect to the operation of the City of Blair.

11.03 CODE OF ETHICS

- (1) This Chapter, and any Ordinances adopted pursuant hereto, shall constitute the Code of Ethics for the City of Blair.
- (2) The Council may, by resolution, provide for various standards of conduct and related matters, which shall as duly adopted, be considered part of the Code of Ethics.

11.04

CONFLICTS OF INTEREST

- (1) It is hereby reaffirmed that a public official holds his or her position as a public trust and any effort to realize substantial personal gain through official conduct is a violation of that trust. A public official is not prevented from accepting other employment or following any pursuit, which in no way interferes with the full and faithful discharge of his or her duties to the City.
- (2) Citizens who serve as public officials and employees retain their rights as citizens to interest of a personal or economic nature. Public officials may engage in employment, professional or business activities, other than their official duties, in order to support themselves or their families so long as said activity does not conflict with the provisions of this Code of Ethics and applicable Wisconsin law.
- (3) No public official may use his or her position or office to obtain financial gain, or anything of substantial value, for the private benefit of himself or herself or his or her immediate family.
- (4) No person or organization may offer or give to a public official or employee, directly or indirectly, anything of value if it could be reasonably expected to influence the public official's action or the conduct of an employee's duties. This subsection is not to be interpreted to mean that a public official or employee is prohibited from engaging in outside employment.
- (5) No public official or employee may intentionally use, or disclose information gained in the course of or by reason of his position or activities, that could result in the receipt of anything of value for him or his immediate family, if that information has not been communicated to the public or is not public information.
- (6) No public official or employee may use or attempt to use his public position to influence or gain unlawful benefits, advantages or privileges for himself or his immediate family.

11.05

FINANCIAL DISCLOSURE

- (1) The Council may, by ordinance, require financial disclosure of public officials and employees.
- (2) The purpose of such disclosure would be to provide evidence of good faith in the compliance, by public officials, with this Code of Ethics.

11.06

USE OF PUBLIC PROPERTY

- (1) No public official or employee shall request, use or permit the use of vehicles, equipment, materials or property of the City of Blair for personal convenience or a profit, except when such services are available to the public in general, or are provided as part of the policy of the City of Blair for the use of such public official or employee in the conduct of official business.

- (2) No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

11.07 INCOMPATIBLE EMPLOYMENT / OFFICE

- (1) It shall be incompatible to serve as Mayor or Alderman and be, at the same time, an employee of the City.
- (2) Other positions may be incompatible as a matter of law and no attempt is made herein to enumerate such potential or actual incompatible positions.

11.08 FEES, GIFTS AND HONORARIA

- (1) Fees, gifts or honoraria paid to or received by public officials or employees in excess of \$10.00 shall be reported to the Council. Failure to report same shall be considered a violation and subject to the recipient to the sanctions provided in this code.
- (2) Public officials and employees are entitled to receive reimbursement of their expenditures and expenses incurred in the performance of their official duties. Such reimbursement, if paid by a party other than the City, shall not be considered a violation of this code.

11.09 CONTRACTS

Wisconsin law is explicit on the subject of public officials engaging in conduct relative to private pecuniary interests in public contracts. Section 946.13 Wis. Stat. is hereby incorporated by reference.

11.10 ETHICS BOARD

- (1) The Council may, by ordinance, establish an Ethics Board.
- (2) The function of the Board would be to administer this Code of Ethics and would be patterned after the State Ethics Board as set forth in Sub Chapter III of Chapter 19, Wis. Stat.
- (3) Appointments to the Board, its functions and duties, powers and related matters, shall be as set forth in the ordinance, if adopted.

11.11 HEARINGS

- (1) Any public official or employee charged with a violation of this Code of Ethics shall be entitled to a hearing.
- (2) All rights of due process, including but not limited to, complaint, notice, hearing, confronting witnesses, cross examination, right to remain silent, shall be afforded the person charged.
- (3) The Council shall act as the hearing examiner, unless other provisions are made pursuant to the adoption of an ordinance designating an Ethics Board.

- (4) In reaching its decision as a result of the hearing, the Council must be satisfied that the complaint against the person charged has been proven by a preponderance of the evidence. The person charged need not prove that he is innocent of the charge. The burden is upon the complainant to meet the preponderance test. If the test is not met, the complaint shall be dismissed.
- (5) The Council, after hearing the evidence and giving the person charged a full opportunity to be heard and offer evidence, shall render its findings, conclusions and recommendations. The recommendations may include one or more of the penalty provisions as set forth in this Code.

11.12

PENALTIES

- (1) Violation of this Code may result in the imposition of any of the following penalties:
 - (A) Censure
 - (B) Suspension
 - (C) Removal
 - (D) Fine
- (2) A fine may be assessed of not less than \$100.00 nor more than \$500.00 for each offense. Failure to pay the fine within 30 days may result of the issuance of a municipal citation pursuant to Chapter 56 of this Code.
- (3) In addition to the foregoing, the City may initiate whatever civil or criminal proceedings it deems appropriate under the circumstances.